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CALENDAR
OF
STATE PAPERS,
COLONIAL SERIES,
AMERICA AND WEST INDIES,
1681—1685.

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P R E F A C E.

THE present volume of this Calendar includes the State papers from the 1st of January 1681 to the 7th of February, the day of King Charles the Second's death.

State of the
Colonies,
1681.

The preceding volume closed at a critical moment for many of the British Colonies. In the West Indies Barbados was awaiting, not without anxiety, the arrival of a new Governor. Jamaica, just emerged triumphant from a constitutional struggle, was wondering, full of suspicion, whether the Crown would keep faith with her. The Leeward Islands, trembling before the eternal apparition of French warships and French bayonets, were striving to gain for themselves neutrality in case of war; and Bermuda was full of the unrest generated by a successful attack on the Somers Islands Company and by the prospect of a new government.

In America all New England was watching for the fate of rebellious Massachusetts, rebellious for so long with impunity. New Hampshire, little less interested in the struggle than New England, looked, not without misgivings, for the establishment of the direct government of the Crown within her border. In New York the whole administration of the government was under inquiry by special commissioners: Pennsylvania was only lately come into being, but was already eyed askance by her neighbour Maryland; finally, Virginia was but just recovered from a rebellion, and was in a state of discontented calm which might easily break up into turbulence and riot. In

England the Crown had fairly initiated the policy of greater interference with the Colonies, and the Colonies, hardly one of them without some earnest claim or burning grievance against the Crown, were waiting to see whither this policy would lead.

MASSA-
CHUSETTS.
Evasion of
the Royal
orders.

Massachusetts was the leader of the opposition to the Crown, and to Massachusetts we must first direct our attention. She had been sternly warned in the year 1680 ; and on the very first page (2) we find an instance of that pliancy in speech and stubbornness in action which had governed her relations with the Crown for the past half century. The King had directed agents to be sent to England : agents should be sent as obedience to the King required. Such a procedure did not want for scriptural sanction, and had been found in the past “ a “ means of lengthening out tranquillity,” a means, that is to say, of tiding over times of difficulty till embarrassment in other quarters should distract the Royal attention from Massachusetts. The agents, therefore, should be sent, but with strict injunctions to yield nothing that could weaken the government established by Patent, or the rights and privileges bestowed by the Lord their God.

This was in January 1681, and the resolution was known, probably, to few outside the limits of Boston. No letter was written to the English authorities until June (126), and then only with the usual object of gaining time. However, at last the Secretary of Massachusetts informed Sir Leoline Jenkins that the Royal orders had been obeyed in every respect, except in the matter of sending agents. The General Court had made choice of several men, but had received the consent of none. “ So it is, Right “ Honourable, that we cannot prevail with persons in “ any degree qualified to undertake such a voyage at “ this time.” Too many agents had been captured by

Algerian pirates and were not yet ransomed. The Colony, while disclaiming all intention of evading obligations, hoped that this explanation would be satisfactory.

While this letter was on its way the indefatigable Edward Randolph was working steadily at the mines which were to bring the Charter of Massachusetts crumbling about the Colony's ears (48, 68, 83, 84, 91). The Attorney-General's opinion was taken respecting certain illegal acts of the government at Boston (92, 122), and these being considered by the Lords of Trade, it was resolved that unless that government made speedy submission its charter should be called in question next Hilary term, (147). Lord Culpeper, the Governor of Virginia, strengthened Randolph's hands by a condemnation of the base coin issued by the mint at Boston (200), and the Commissioners of Customs, though writing in a more judicial spirit, spoke hardly less strongly of the obstruction shown towards the King's revenue-officers by high and low in the ports of Massachusetts (211).

Edward
Randolph.

On the 12th September 1681 the temporising letter from the General Court arrived and was read at the Board of Trade and Plantations. Such letters had served their purpose often enough during the past half century, but it would have been thought that their time was gone by. In effect the draft of a very strong despatch, unfortunately undated, seems to have been submitted to the King at this time (266), but to have been withdrawn in favour of a milder message, professing unwillingness to believe that the excuse as to the agents was untrue, and merely appealing to the Colony to obey the injunctions, which so far it had taken special pains to ignore (264), as to the enforcement of the Navigation Acts.

For some months little more is heard of the Colony, till in February 1682 we find the agents, Joseph Dudley ^{sends Agents.}

and John Richards, duly chosen and their instructions drawn out. After two more months came letters from Randolph filled with the usual reports of obstruction and violence shown to him in the execution of his office of King's collector, of evasion of promises made to the King, in a word of a continuance of all the old evils. "The "King's letters," he writes, "are of no value here. "Nothing will serve but bringing a *quo warranto* against "their charter, which may save my life and reform this "government" (466). Another month passed away, and then the news that the writ of *quo warranto* had actually been ordered against the charter brought the Colony suddenly to its senses. Having proclaimed a fast-day for the Divine blessing on the errand of their chosen agents, the General Court despatched them with a letter and petition of excuses for the delay, and with the sum of 4,000*l.* to "improve any meet instrument for "the obtaining of a general pardon, and a continuance "of the charter" (521, 529, 558, 662).

Their arrival. On the 24th of August the agents presented themselves before the Board of Trade and Plantations (660), assured the Lords of the submission of the Colony, and were directed to bring on that day week an account in writing of its compliance with the King's orders. On the meeting of the Board on the 31st of August a recapitulation of the old charges against the Colony was first read (672), and the agents then presented their answer as they had been bidden. In reply to the many charges of obstruction to the King's revenue-officers, they put forth the simple but shamelessly untrue statement that Mr. Randolph had been and was still supported in the execution of his duty. Being asked for proofs, they begged for time to produce them; being asked as to their powers, which the King had directed should be full powers, they said they had none. On the

other side the Board had before it abundant proof that the allegation as to the support given to Randolph was, in plain language, a lie, while the Colony, far from giving evidence of improved loyalty, had ostentatiously sheltered a Scotchman who boasted himself to be one of the murderers of Archbishop Sharpe (441, 447, 466, 526, 547, 559, 579, 580). Indeed, Thomas Danforth, the leader of the opposition to the Royal authority, had been heard to say that in New England they were a free people with whom the King had no concern (594).

A fortnight later the Board, having considered the instructions of the agents and the proofs adduced by them, ordered them peremptorily to write at once for full powers to agree to a reform of the government; in default of which a new writ of *quo warranto* would be brought at the beginning of Hilary term, or, in other words, in January 1683 (697). The first day of Hilary term came but brought nothing from the agents except a petition for time (911), though the interval had produced a fresh crop of damaging accusations and testimonies from Randolph (645, 698, 715, 728, 753, 781, 926). The more moderate leaders in the Colony, however, began to grow nervous, and in February 1683 the Governor, Bradstreet, wrote to Randolph, who was just starting for England, begging him to do nothing to the prejudice of Massachusetts. Randolph's answer (930), considering the immense provocation which he had suffered and the triumph that he must have felt over such a plea for mercy, is moderate enough. "You have acted illegally," he said in effect, "and are at the King's mercy, but I forgive all "offences to me heartily, and when once you have "submitted I shall do my best for you." And therewith he sailed for England, arriving, after a foul passage, on the 29th of May (1083). On the very next day the Board

Peremptory
action of the
Lords of
Trade.

of Trade and Plantations summoned the agents, and receiving as usual no satisfactory reply from them, ordered the Attorney-General to take the business of the *quo warranto* in hand (1084). Randolph's arrival in London quickened matters considerably. He brought, indeed, a letter with him from the Governor and Company, containing congratulations on the preservation of the King's life from conspiracy, and begging abjectly that the charter might be spared (1032). But an address from the inhabitants praying for the maintenance of the established government, which had been signed under compulsion (1100), and a list of the magistrates nominated for 1683 with Danforth, the head of the disloyal party, at the top of the poll (1114), told a different story. On the 12th of June the Attorney-General was directed by Order in Council to obtain Randolph's evidence, and to issue the fateful writ against the Governor and Company of Massachusetts (1101, 1120, 1124).

The *Quo
Warranto*
issued and
despatched
by Ran-
dolph's hand.

The articles against them were easily drawn up (1121), and Randolph, to cut the ground from under the feet of the disloyal party in the Colony, petitioned that no taxes for the defence of the charter should be imposed on such of the Colonists as were willing to surrender (1135). The agents, seeing that the game was up, begged for permission to return that they too might counsel surrender (1151). Finally a Royal declaration, offering liberal terms on condition of immediate submission, was drawn up by Randolph's advice (1145, 1159), and was despatched, together with the writ of *quo warranto*, by the same indefatigable hand. Randolph begged hard for a frigate to convey him, but the Admiralty could not provide one (1150, 1161), so he was fain to take his passage in a merchantman for the quicker despatch of his business, recommending only that a frigate should follow him to

support the parchment writ and to show, by the mere display of force, that the King was at last in earnest (1165, 1174). Letters received from Governor Cranfield shortly after his departure showed that Massachusetts only persisted in her recalcitrance from an idea that the King would not go to the expense of coercing her. It was clear enough that, promise the agents what they might, the ruling faction could not be trusted to keep faith (1129, 1130).

Randolph arrived in Boston on the 26th of October, and found that the agents, who had started earlier than himself, had warned the General Court that the *quo warranto* was on its way. The General Court met to deliberate as to its course, but the disloyal faction, still trusting that troubles in England would deliver them from the clutches of the Crown, adhered to their old policy of trifling in order to gain time, and, stimulated by a hot-headed young Minister, decided to instruct counsel to defend the charter. The Governor, however, and a majority of the magistrates were for yielding, and made their submission independently (1445); while the people at large, taking advantage of the King's declaration, refused to pay taxes to defray the cost of the defence (1541, 1566, I.). Having fulfilled his mission, Randolph sailed again for England, and arrived, after a terrible passage in the middle of February 1684, too late to get judgment entered against the charter. He set to work, therefore, to put the machinery of the law once more in motion (1574, 1575). There were sundry little hitches, due, it should seem, to the obstruction of the sheriffs of London, who had their own reasons for not loving writs of *quo warranto* (1662, 1677). Thus it was not till June that the proceedings came to a definite issue under a writ, not of *quo warranto*, but of *scire facias* (1742, 1745, 1762), and not till October that the judgment against the charter was finally confirmed.

Division in
the Colony.

Proceedings
on the dis-
solution of
the charter.

Throughout this period, from the spring to the autumn of 1684, the disloyal faction in Boston, with the ministers of religion at their head, continued to preach defiance, declared the party of surrender to be enemies to their country (1589, 1808), and even repaired the fortifications of Boston. But the more moderate party, and in particular Joseph Dudley, saw the futility of this empty bluster, and did their best by reiteration of their submission to obtain good terms for their country (1603, 1670). The Lords of Trade then busied themselves with discussion of the new government of an united New England, which was to be formed under the headship of Colonel Percy Kirk, of the Tangier Regiment (2nd Foot), but the proceedings, though worthy of study, do not progress far enough to deserve more than mere mention. (*See Index under Massachusetts.*) The charter was gone, and one chapter in the life of Massachusetts was closed.

I have dwelt on the story at some length since the American historian of New England, with perhaps pardonable bias, can see nothing but evil in the relentless energy of Edward Randolph as the servant of the Crown, and nothing but heroism in the attitude of the disloyal faction led by Thomas Danforth. It is, however, reasonable to remember that the charter which Massachusetts prized so highly was after all granted by the Crown, and that the privilege which it arrogated as the gift of the Lord its God was simply that of violating it at its own sweet will. It is true that it claimed to have established a reign of the saints, a dynasty, however, under which, as may repeatedly be seen in this Calendar, truthfulness did not flourish in high places. The surrender of virtual independence, which Massachusetts had enjoyed for fifty years, was of course a bitter humiliation for a proud and ambitious little community, but whether in the light of

subsequent events it is still cause for lamentation is another question. Independence such as Massachusetts now enjoys was impossible until the French should be expelled from Canada, liberty such as she now enjoys as impossible until the theocracy which she had established in defiance of her cherished charter had been broken down. Both of these services were rendered mainly by the Mother Country.

I turn now to New Hampshire, where the influence of Massachusetts was little less strong than in Boston itself. The close of the previous volume of this Calendar left the province under a provisional government, with John Cutt, "a very just and honest but ancient and infirm man," installed for the time as Governor. Cutt died in March 1681, and his funeral having been honoured by the consumption of two barrels and a half of gunpowder (p. 46), the presidency passed into the hands of Richard Waldern* or Waldron. The first letter from the new government transmitted the laws of the province (98, 98, I.), which are not unworthy of study as showing the extent to which the theocratic principles beloved of Massachusetts had taken root in New Hampshire. The proceedings of the Council enclosed with the same letter are also of interest. They give us among other matters the organisation of the Militia and the state of the Treasury—viz., debtor, 13*l.* 13*s.* 4*d.*; creditor, 85*l.* 0*s.* 4*d.* But they show the influence of Massachusetts still more in the steady rejection of the Royal authority, first by the constant thwarting of Edward Randolph and his deputies in their efforts to enforce the Navigation Acts, and, secondly, in the resolute refusal to

NEW HAMPSHIRE. Its subservience to Massachusetts.

* He spells his name Waldern, his son Walderne, others spell it Waldron, Waldren, and occasionally Walrond, which last, from the preponderance of Devonshire names in New Hampshire, I suspect to be the correct form.

accept Robert Mason as proprietor of the province, as had been enjoined upon the inhabitants by the King. The controversy on these two points governs the whole history of New Hampshire so far as it is disclosed in the present volume (*see Index*, Mason, Randolph).

Resistance
to the Royal
orders.

The first letter from the new secretary, Richard Chamberlain, who had been appointed by the Crown, gave sufficient indication of the troubles that lay ahead. Chamberlain was duly admitted to his office as a matter of form, but no salary was given to him and the books were not delivered to him. Moreover three of the Council, appointing themselves joint secretaries and registrars of the province, not only took upon themselves his functions, but appropriated to themselves his perquisites (106). The Council then turned upon Robert Mason, and, far from yielding to his claims of proprietorship, actually ordered his arrest for usurpation of Royal authority, while at the same time protesting vehemently to the Lords of Trade and Plantations against his pretensions (113, 124). Mason in despair returned to England, and in September 1681 laid his complaint before the Lords (228, 288, 292). Waldern, the President, he accused of speaking dangerous words of the King, Martyn, the treasurer, of saying that the King had no more to do in New Hampshire than Robin Hood. The Board decided that in such a state of affairs a Governor with the King's commission must be sent out to settle the country (346, 361). Mason offered to surrender a fifth part of his estate in New Hampshire for the support of the Government, and a Governor was appointed in the person of Edward Cranfield (374, 375).

Governor
Cranfield
despatched.
His diffi-
culties.

The instructions to Cranfield were in the circumstances moderate. He was ordered to suspend Waldern and Martyn from the Council, but empowered to re-admit

them if he thought fit, and he was directed to decide all disputes between the inhabitants and Mason (454). This last was a direction more easily given than executed. In October Cranfield arrived at New Hampshire (738, 756), and after inquiry into Mason's charges against Waldern and Martyn decided that they were overstrained, and readmitted both men to the Council (824). A month later he wrote that his mind was totally changed (868). A representation from Edward Randolph had shown that the Royal authority was utterly contemned by Waldern and Martyn (755), and that no justice was to be found in New Hampshire or in New England, except for members of the Congregational Assemblies. Juries, encouraged by the recent acquittal of Lord Shaftesbury at the Old Bailey, an event which wrought great influence in the Colonies, gave verdicts against the King whatever the evidence (870). Cranfield suspended the principal offender, Elias Stileman, from the Council, the first of many such suspensions; but he confessed that in the present mood of the people he saw no prospect of obtaining money for the expenses of government, and begged for power to raise 1,000*l.* a year by the sole authority of himself and the Council (885).

The Governor's forebodings proved to be well grounded. Gove's rebellion. The Assembly, taking its cue from the Congregational ministers, would pass no laws according to the methods prescribed by the Royal Commissioners, and was accordingly dissolved. A few days later the prevailing discontent showed itself in an abortive rising, or, as Cranfield called it, rebellion, headed by one Edward Gove. The disorder was easily suppressed; Gove was tried for high treason and condemned, though not until Cranfield had secured an Act giving him sole power of impanelling the jury; and the culprit was finally sent home under the charge

of Edward Randolph, to atone for his treason, not by death, but by a few years of imprisonment in the Tower (906, 953, and *index*, Gove).

Cranfield
powerless to
enforce the
Royal orders.

There seems little doubt but that Martyn at any rate was privy to this petty insurrection (1306). Cranfield, finding troubles increase, suspended him, together with Waldern and another obstructive, from the Council, and urged the Lords of Trade to take strong measures against Massachusetts, as the true leader and inspirer of the spirit of disloyalty (997, 1024). All New England, by his account, was of a piece. Connecticut and New Plymouth were the same as Boston, as corrupt but more ignorant. There was matter enough against them to cancel their charters. The Rhode Islanders were "a mean and scandalous sort of people," whose charter also should be cancelled. Above all, the preachers in Massachusetts were leaders of mischief, and the College at Cambridge, which Cranfield could never vituperate enough, was a school for trumpeters of sedition (1316).

The news that the capital sentence on Gove had been remitted produced a bad effect in the Colony when it arrived. Robert Mason, attempting to enforce his rights by eviction, found himself opposed by gunpowder, hot water, and spits, the people being incited by Waldern and by the Boston preacher, Moody. Another obnoxious member was purged from the Council, but with little result (1386). A new Assembly was called, but refused, like the first, to vote any supplies, and was dissolved without passing a Bill. Cranfield was in despair (1508). A new councillor of his own nomination was now found to be a snake in the grass, and was, like many others, suspended (1683). Cranfield's health was failing and he pressed hard for leave of absence and implored that a frigate should be allowed him to enforce the Royal authority (1700, 1701).

His troubles, however, were near their end. An old His recall. enemy of his, Nathaniel Weare by name, in July 1684 formulated charges against his behaviour in respect of the disputes between Robert Mason and the people. These in spite of a long defence, were held to have been proved (1800, 1807, 1895–1897, 1970), and he was presently recalled. His position was an impossible one, but he cannot be said to have made the best of it. He seems to have been easily duped into false trust, and as easily spurred to arbitrary violence, sure signs of a weak and incapable man. Moreover, he was not above suspicion of corruption. The cure for the evils of New Hampshire was sought in its comprehension within the reconstituted government of New England (1928), which will be better studied in the next volume of this Calendar.

Of the rest of the New England States there is little, from the documents before us, to be said. The dispute about the Narragansett country or King's province, which raged so furiously in the last volume of this Calendar, was referred to a Commission (1039), which duly undertook the task of deciding it. Rhode Island, of course, objected to its proceedings (1252, 1253), but the Commissioners, none the less presented a voluminous report in favour of Connecticut and the grantees of Connecticut (1986). It was hoped that the inclusion of this province also in the government of New England would settle the dispute for ever (1941).

Of New Plymouth we see little except a petition for a new charter (1389), and of Connecticut practically nothing; while from Maine we have little beyond a petition for relief from the rule of Massachusetts and for immediate subordination to the Crown (841, I.). New Plymouth and Maine were also thought suitable for admittance to the united colonies of New England (1928, 1955), so no more need be said of them here.

NEW
ENGLAND.
The whole
Government
to be recon-
stituted.

NEW YORK.
Arrival of
Governor
Dongan.
His energy
against
French en-
croachments.

Turning next to New York, our earliest notices are of the report of John Lewin on the government of Sir Edmund Andros, Sir Edmund's systematic denial of every imputation therein (348, 352), and the final acquittal of Andros. But early in 1682 the Duke of York announced his intention of granting to the settlement the privileges of other English Colonies (449), and followed this by the appointment of Colonel Thomas Dongan to be Governor, with all the powers entrusted to the King's Governors and a salary of 400*l.* a year (724, 725, 917, 918). The interest of this appointment consists in the fact that Dongan was the first Englishman who saw the importance of resisting French encroachment and of checking their design of seizing the interior and confining the British to a mere strip of the coast. In the present volume only a foreshadow is to be seen of the energy that he was to show during his period of government, but his correspondence with Governor de la Barre of Quebec, protesting against his hostilities against the friendly Iroquois, sufficiently show what manner of man he was; ever watchful over the interests of his country and jealous of any interference with his native allies. As a soldier of experience he showed, almost alone among British Governors, appreciation of the value of strategic as well as commercial stations (1415, 1735, 1746, 1772, 1773, 1817, 1818). The closing instructions which he received from the Duke of York to avoid anything that might involve New York in dispute with the French (1979), can hardly have been welcome to him. Another four years, however, was to see the dependence of Britain on France ended for ever.

PENNSYL-
VANIA.
The dispute
with Mary-
land as to
boundaries.

From New York the natural transition is to Pennsylvania, which began its existence in the year 1681. The early pages of this Calendar contain record of debates

and decisions as to the patent to be granted to William Penn (6, 8, 30), culminating in a draft of the patent itself (32), and a letter to Lord Baltimore to agree with Penn as to the boundaries between Pennsylvania and Maryland (62). Probably no one dreamed how difficult this question would be found of settlement, nor how acrimonious a controversy would rage over it. The opening of the dispute may be traced in a letter of Lord Baltimore's, enclosing one of Penn's in March 1682 (437); and there are records of four several meetings between the two men (849, 1089, 1117, 1179), the first of them purporting to be a report taken down in short-hand of the actual words employed, but denied by Penn to be authentic. Penn's object was to obtain an outlet to the sea, and Lord Baltimore's to forbid it. The whole of the weary wrangle can be traced through the index to its final reference to the Lords of Trade and Plantations, before whom it remained unsettled until the following reign. Penn's own letters are but three (437, II., 1171, 1179), the second of them, addressed to a secretary in Lord Sunderland's office, being characteristic enough. The chief point of interest in the third is Penn's statement that his policy of buying, instead of taking, land from the Indians was due to advice of the Bishop of London. Penn has always enjoyed the credit of this just dealing, and it is curious to find that it was due, not to a Quaker, but to the Anglican prelate, once a life-guardsman and not yet quite done with the buff coat, Henry Compton.

Passing from Pennsylvania to Maryland, we find ourselves once more in troubled waters. Lord Baltimore, the Catholic proprietor, entertained exactly the same dislike of the Navigation Acts as the Congregational republicans of Massachusetts. He refused, therefore, to support the

MARYLAND.
Lord
Baltimore's
resistance
to the King's
revenue-
officers.

King's revenue-officers and preferring to establish his own. The revenue-officers in question, Nicholas Badcock and Christopher Rousby, seem to have done their duty with singular fearlessness, and Lord Baltimore, wise in his generation, was careful to complain of them before they could complain of him, though the Commissioners of Customs received at least one letter in time to put them on their guard. By Lord Baltimore's account Rousby possessed every vice to be found in the human heart, his range of crime extending from low debauchery to high treason (129, 151, I.) : but Rousby retorted with a telling vindication of himself, and with strong hints that Lord Baltimore only desired the removal of himself and Badcock to make room for two of his lady's sons-in-law (328, I.-IV.). The result was a crushing letter of rebuke to Lord Baltimore from the King, warning him that he had only narrowly escaped the impugnment of his patent by *quo warranto* (403), which brought him quickly to his knees (507).

Alarm of a
rising.

Meanwhile Maryland had been disturbed by what, in Lord Baltimore's eyes, seemed a threat of rebellion, roused by two supposed sympathisers with Bacon's rebellion named Fendall and Coode. Unfriendly letters hint that these persons were arrested for the purpose of intimidating voters at the forthcoming elections, and it should seem that there was some friction between Catholics and Protestants (184, 185); though the version given by the Calverts is very different (351). Be that as it may, and it seems certain that Lord Baltimore was in the wrong, the culprits were tried and Fendall was found guilty. His trial was taken down in shorthand to the minutest word, and survives, beautifully transcribed, for the inspection of the curious (391, I.).

Disputes with William Penn over boundaries form the bulk of the records respecting Maryland for the three following years, and may be easily traced in the Index (*see under Penn*). Lord Baltimore hastened to England to support his claims before the Lords of Trade and left his first councillor, George Talbot, to reign as Governor in his stead. Then the old feeling against the King's revenue-officers broke out afresh with most tragical results. George Talbot one evening went aboard the King's ship "Quaker" in the river Patuxen, and after certain singular demonstrations of friendship suddenly drew a dagger and stabbed the unfortunate Christopher Rousby, who happened to be present, to the heart. It was suspected that the captain of the vessel had been designed as the real victim, for his energy in enforcing the Navigating Acts; but to a modern reader the narrative only suggests that Talbot was egregiously drunk. The anxiety shown by the authorities of Maryland to try the murderer in their own Courts shows that this violent act of resistance to the Crown did not lack sympathy in the Colony. The fate of Talbot, owing to the disputes over jurisdiction, remains still unsettled at the close of this volume (1963, 1963, I.-VI.).

I come now to Virginia, which we find at the opening of 1681 in a very peaceable and quiet state, free from threats of Indian invasion, but much distressed by the extremely low price of tobacco (104). Within two months, however, the Indians had made raids on some of the back-settlements, and, though they presently drew off, had revived a feeling of insecurity and unrest which boded ill for the peace of the Colony (185, 195). Lord Culpeper, the Governor, was now at home, consulting with the authorities as to the best means of relieving the prevailing distress. The first of his proposals was

Murder of
Christopher
Rousby, the
revenue-
officer, by
the Deputy-
Governor.

VIRGINIA.
Distress
owing to
low price of
tobacco.

crude enough, namely, to encourage the building of towns in order to create markets, as provided by an Act recently passed by the Assembly of Virginia. To this the English Commissioners replied, in a report which is well worth reading, that trade must be courted and not forced, and in effect that trade makes towns, not towns trade (318). The remaining suggestions were practical enough, namely, that the King should pay the two companies of English troops in the Colony punctually, keep a small man of war on the coast, and open trade with Russia as a new market for tobacco. The last proposal, it may be mentioned, was at once taken up, and the Muscovy Company, being consulted on the point, advised that the patriarch and favourite of the Czar should be persuaded by "fitting arguments" to permit the use of tobacco in the country (326, 329).*

Disbanding
of the
King's
troops.

But the first point, the punctual payment of the soldiers, brought an unexpected reply from the King in the shape of a demand to show cause why the two companies should not be forthwith disbanded (259). Culpeper was ready with reasons enough. He pleaded the danger of Indians; he cited the peril of rebellion, well known by actual experience and likely to recur owing to the poverty caused by the low price of tobacco; he recalled the expense of suppressing that rebellion, and he urged the difficulty of collecting militia from a population so sparse and so much scattered (268). He called in the merchants, who testified to apprehensions of a rising among the "white servants," the very class that filled the ranks of the militia; and he persuaded the Lords of Trade, but he did not persuade the King. The soldiers were ordered to be paid off and disbanded unless the Colony should care to take them into her own service (300), and it was only by the

* See Macaulay's History, V. 72.

direct intercession of the Lords of Trade that the unfortunate men were saved from the necessity of selling themselves as servants in Virginia (335, 336, 341). Culpeper himself wrote of the hardship of the whole proceedings in utter astonishment and dismay (347).

This imprudent resolution was taken in December, at which time Lord Culpeper wrote orders to his deputy to summon no Assembly, except on urgent occasion, till the 20th of the following November. Almost the next notice that we receive of Virginia, however, is of the meeting of the Assembly on the 20th of April (478). The Lieutenant-Governor, the "old and crazy" Sir Henry Chicheley, not having received his orders in time apparently, convened the Assembly at the beginning of March; so when Culpeper's orders at length reached him, the members were all streaming towards James City "big with the expectation of enacting a cessation of tobacco-planting, which "the most, though not the wisest of them, thought the "only expedient to advance the price of tobacco." As a distraction Chicheley laid before them the alternative proposed by the King, that the soldiers must be disbanded or taken into the pay of the Colony. The House of Burgesses at once drew up a mournful address, begging that the prorogation might be delayed, and contrived on various protests to defer it until the 27th April, when they replied that the Colony could not bear the burden of maintaining the soldiers (478, 494). In that short interval there was time enough for mischievous spirits, one of whom, Robert Beverley, was an old offender, to do their work.

The next news that reached James City was that on The tobacco-cutting riots.
the 1st of May the people in Gloucester County had risen and were destroying the tobacco plantations in all directions. Before the Governor could move the rising had spread to New Kent, and the mischief was only by

Imprudent action of the Deputy-Governor.

prompt action prevented from becoming general. It was psychologically one of the maddest, and economically one of the most curious of popular movements. The leaders of the insurrection, foiled in their attempt to prohibit the planting of tobacco by law, began first by cutting up their own plants and then proceeded not only to cut up those of their neighbours, but to impress them likewise to the work of destruction. The craze for mischief spread like wildfire.
“ Such was the folly, madness, and often malice of the inhabitants, that when the rabble had by force or persuasion destroyed the plants of one plantation the master of this plantation was soon possessed of the like frenzy and willingly helped to make his neighbours as incapable of making tobacco as himself.” When the destruction was put down by day it was effected at night; when men were afraid to continue it, it was carried on by women. So formidable seemed the insurrection at one moment that Lord Baltimore stationed troops on the Potomac lest the infection should be carried into Maryland (495, 507, 524).

Alarm of a
mutiny of
the King's
troops.

The danger, moreover, did not end with the native rabble. The soldiers, aware only that they were to be disbanded, ignorant of the fate that might be in store for them and not yet paid off, became mutinous and seemed more likely to join the rioters than to aid in suppressing them. They were hastily paid off on their own terms; and patrols of horse under competent leaders struck terror into the plant-cutters. The arrest of Beverley damped the further progress of the rioters, and by the first week in June order was restored (531, 546, 548). There was a slight renewal of the disturbance in August, when all the plantations were flowing with cider (652), but this was put down with little difficulty, and by the end of the year all was quiet in Virginia.

The news of the insurrection reached England in June. The Lords of Trade decided that the Governor, Lord Culpeper, must return to his post at once (581). A frigate was prepared for his passage, and Culpeper professed all willingness to start at once (597). From various causes, however, he did not sail until October (742), and though he laid the blame for the delay on others, yet it is evident that he raised every obstacle against his departure. He refused to pay the fees on his commission, kept the ship waiting for a month in the river, and finally loaded her like a merchantman with goods, including white human creatures, to be disposed of for his own profit (983). Arriving at Virginia on the 17th December 1682, he found the Assembly sitting and the Colony quite quiet (944). His own description of his proceedings on landing shows his huge contempt for the Virginian Assembly. He altered, he says, almost every one of their Acts, rejected their proposals on behalf of their favourite, Robert Beverley, divided some forfeited deer skins among them, "which they carried in triumph home," and dissolved them with a speech against plant cutting.* Taking the rioters in hand, he was somewhat embarrassed to find that Sir Henry Chicheley had pardoned the chief ringleader, on condition that he built a bridge "conveniently situated for Sir Henry's plantation." Sir Henry, however, had died in February (1007), so there was nothing to be done but to try four of the rioters for high treason under a statute of Elizabeth, execute two and reprieve two more. Then, after hiring a sloop of war to enforce the Navigation Acts

Lord
Culpeper's
return as
Governor.

* The journals of this Assembly were transcribed by the error of the copying clerks of the time under date 1683, and unfortunately were printed as belonging to that year before the error was discovered. The following abstracts calendared under 1683 therefore belong to 1682: 1373, 1388, 1400, 1414, 1439, 1454.

and raising a small force of troops, Culpeper at the end of May 1683 took his departure and calmly left the Colony to take care of itself (1076, 1278).

Lord
Culpeper's
dismissal
for absence
without
leave.

The Lords of Trade at once took notice of this violation of the new rule that no Governor should be absent from his charge without leave, and declared his government to be forfeited (August 1683), appointing Lord Howard of Effingham to take his place (1191, 1193). Culpeper showed the supremest indifference. He had written before he left England that he looked upon his visit to Virginia as a punishment (742), and he now averred that he thought his departure from the Colony was the best thing possible for the King's service. No doubt, he pleaded, another governor of greater ability would outdo his poor endeavours, but what the wit of man could expect of a Governor beyond peace and quiet and a large crop of tobacco he knew not. He was well content to be eased of the cares of government, provided that his "dues and concerns" did not suffer. These "dues and concerns" consisted of certain relics of proprietary rights which the Colony was anxious to acquire and he himself not averse to part with (*see Index*, Culpeper), and of 4,000*l.* of salary in arrear (1258). He therefore passes from the scene for the present, unremembered except for the unfavourable character attributed to him by Burnet.

Lord
Howard of
Effingham
succeeds
him.

Pending the arrival of his successor, the secretary, Nicholas Spencer, administered the government, not without considerable anxiety owing to the inroads of Seneca Indians (1406). Meanwhile Lord Howard of Effingham's instructions were preparing (*see Index*, Howard), and in February 1684 he arrived in the Colony. He had the usual difficulties with the House of Burgesses, which remained incorrigibly quarrelsome, but seems to have shown a tactful and conciliatory spirit, and to have been rewarded with

success (1706), though he could not keep the house from addressing the King in a style which was much resented at Whitehall (1994). More important, however, was the His treaty with the Indians. treaty which he made with the Indians at Albany (1822–1824, 1828), in July and August 1684, no small service for a Governor to accomplish within six months of his arrival in the Colony. This matter, and a dispute over boundaries with the ever quarrelsome Lord Baltimore, may be traced through the Index.

Last of the Colonies on the continent I come to Carolina. CAROLINA. In the years 1681 and 1682 the proprietors issued their second and third sets of fundamental constitutions (359, 656), articles which they were fond of altering, apparently with the hope of satisfying all parties, and in particular a new settlement of Scots (807). The result of course was to please none of them. In truth the vision that we obtain of Carolina in the present volume is not very pleasant. The northern portion was the sink of America (p. 155), and the population generally seems to have been lawless and unscrupulous to a remarkable degree. Men in high places appear to have been incurably given over to a regular slave trade with the Indians, making war upon them and encouraging the tribes to fight each other for the sake of buying and selling the prisoners. The proprietors wrote, in a letter which is worth reading (1284), expressing the greatest indignation at the practice, and made endless rules to prevent it, but it should seem with much success. They appear in fact to have had the greatest difficulty in discovering trustworthy men to set in authority, for official after official failed in his duty (1722). Thus they framed regulations for the holding of elections expressly to hinder men from running from place to place for the purpose of awing the people and hindering freedom of choice. These, however, were flatly A dis-reputable community.

disregarded, with the result that the enslavers of Indians were left free to carry on their evil designs. Finally, as a climax, the northern province passed an Act suspending prosecutions of foreign debts within its limits; publishing to the world, in the indignant words of the proprietors, that any man who had taken his neighbour's goods had only to come to Carolina and he would be protected by law (1733). With this characteristic enactment, worthy of notice as an early and flagrant instance of roguery legalised by a settlement of rogues, I leave Carolina and the mainland for the insular Colonies.

NEWFOUND-
LAND.

As to Newfoundland there is little of interest. The reforms so constantly urged by naval officers re-appear, but only to be ignored. The reader can find such scanty information as is to hand by reference to the Index.

BERMUDA.
The Com-
pany not yet
dissolved.

Of Bermuda, on the contrary, the accounts are very full. At the close of the last volume we left the charter of the Somers Islands Company apparently doomed to extinction at the hands of the law. In February 1681 we find rival petitions, one asking, not for the destruction but for the reform, of the Company, and others setting forth the defiance with which the Royal orders against it had been received in the island, and praying for deliverance (18, 21, 24, 25). The Lords of Trade took prompt notice of the charge of contempt of the Royal authority, but the culprit, Sir John Heydon, was acquitted on trial. It was not until December that the Lords bethought themselves that, though the writ of *quo warranto* against the charter had been granted in November 1679, nothing had yet come of it. They therefore ordered Attorney-General Sawyer to prosecute it vigorously; and there, for the present, the matter rested.

Six months later, the trial having made no progress, the Lords sent for the petitioners who had set the law in motion, and discovered from them the legal shifts by which the Company had delayed the proceedings. Here, once more, as in the case of Massachusetts, we find the sheriffs of London offering technical obstruction to the writ of *quo warranto* (635, 638). In November the case again came on and was again put off owing to some flaw (802), but the Lords of Trade, with remarkable complacency, contented themselves with renewing their orders to the Attorney-General. Meanwhile the islands themselves, divided into two hostile camps and uncertain whether King or Company was in command, were in a state of utter disorder. The cry of "No popery" was raised by the Nonconformist ministers, the Governor giving out that if the King's Government came "the people would be forced to go to church by drum and fiddle" (1075, 1097). It was plain that the Crown must take some steps, but doubts were raised whether, in the first place, the King could appoint a Governor, and whether, in the second place, he could take the command of the militia out of the Company's hands (1095, 1109). So matters drifted on till November 1683, when advice was again given for the issue of a writ of *quo warranto*, four years almost to a day since the same order had originally been delivered (1399).

Meanwhile a new Governor, one Richard Cony, assumed command, and became at once the object of every kind of accusation from the party adverse to the Company. He was said to be so much given to drunkenness, lying, and swearing that there was not a spark of respect in him (1695). It was now ascertained that in the general anarchy the defences of the islands had gone to pieces, and that the whole frame of the polity was in the same state

The charter dissolved after much delay.

Governor Cony appointed.
Anarchy in the Colony.

as the defences. In June 1684 the legal proceedings were at last pushed forward in earnest, and in November the charter was finally cancelled (1967). We have, fortunately, a letter from Cony, the Company's Governor, describing the scene when the first rumour of the fall of the Company reached the island. His authority was at once disclaimed, and he himself attacked by a "mobile" headed by one of his own captains of militia. The captain drew his sword on him, the captain's companion tripped up his heels, and the rest of the "mobile" stamped on him, leaving his left leg "in a very sad condition." Arms were turned into pestles, work on batteries erecting by the Governor's order was stopped, and powder was fired away recklessly in false alarms. As a climax to his misery, Government House was so rotten and leaky that the unfortunate Cony slept and ate in water, while his slaves died round him of wet and cold (1899). In such plight we must for the present leave Bermuda.

BARBADOS.
Arrival of
Governor
Sir Richard
Dutton.

Passing to Barbados, the first incident is the arrival in March 1681 of the new Governor, Sir Richard Dutton (35). He was an old Royalist officer, who had fought at Edghill, and had since held a commission in the Life Guards. By his own account he found the island in a sad state, owing to the malice of his predecessor, Sir Jonathan Atkins. The House of Assembly had intended to pass a Bill for an excise on liquors for two years, but had been scared by a hint that the King would give the money to "Lady Portsmouth," that is to say, to Madame de Querouaille. The people thought that monarchy was at its last gasp in England, and were preparing to set up a commonwealth. The Assembly even had the bad taste to send up a *Habeas Corpus* Bill, copied from the English model. Again the gaol, though only a private house, was full of malefactors, not having been delivered for three years, owing to the

expense, which the Governor was expected to pay and which Sir Jonathan Atkins had shirked. Finally, the Church was in a lamentable condition ; the sacrament was rarely administered, and there was one clergyman, holding two livings, baptising, marrying, and performing every other sacred function, who had never been ordained (123, 141).

Sir Richard, as he tells us, put all these matters right, His apparent
zeal.

overawed the factious and disloyal, rejected the *Habeas Corpus* Bill, held sessions of gaol-delivery, and set the example in taking the sacrament once a month (123, 218). He also found good helpers in Mr. John Witham and Mr. Stede, the secretary, and in fact he was successful in every way. He even extracted from the Assembly a loyal address to the King, the first ever sent from the plantations, and well worthy, as he thought, of insertion in the Gazette (216, 218). Still he found the expense of the place very great, and therefore pleaded in every letter for larger salary. For these services he duly received approval from the authorities in Whitehall (231), who called upon Sir Jonathan Atkins for an explanation as to the state of the Church, and in particular as to the scandal of the unordained minister. On the latter point Atkins answered with quiet humour, “ There was such a minister there, and “ had been for more than twenty years ; his parish loved “ him well, but whether he were ordained or not I cannot “ say. If he were not, I am sure I could not ordain him ” (311). Atkins had formed his own opinion of Dutton.

Sir Richard, in spite of all these triumphs, presently fell foul of the Assembly by arrogating to himself all powers in the Court of Chancery instead of admitting his Council, according to local custom, as assessors (251), and did not answer the Council’s protest in the most conciliatory terms (345). The question was one which was to concern him His quarrels
with the
Council.

not a little later on ; but for the present he carried matters with a high hand, dissolved the Assembly, removed all officials who had made themselves obnoxious (394), and continued to write long despatches over his own eminent services and his distressing want of cash (357, 414). The Lords of Trade, quite overcome by his energy, not only commended him, but procured him punctual payment of his salary and satisfaction for arrears (463).

Approval
of his
proceedings
at Whitehall.

These exertions, added to the influence of the climate, brought this industrious Governor so low that in June 1682, he applied for leave of absence for the spring of 1683. None the less, always energetic, he managed to strike a blow at the head of the factious party, which not only brought in some 600*l.* to the King, but frightened the Assembly into passing a revenue bill, and, more important still, into presenting Dutton himself with 1,500*l.* more. He also overhauled the administration of certain charitable funds, and got the militia clothed, like the King's army, in red coats and black hats, the first Colonial militia ever dressed in the now familiar scarlet (666). These services not only procured him his leave of absence but a high compliment from the Secretary of State in charge of his department, Sir Leoline Jenkins. "Take care of your health," wrote Sir Leoline, "for so valuable a man as you is not often "met with" (688). Sir Richard accordingly came home on leave, having named John Witham in the most complimentary terms to act as his deputy. The King on this occasion ordered that such deputies should henceforth draw half of the Governor's salary or emoluments during his absence (836) ; a rule which still holds good in the Colonial service, but which brought about strange results in this its first application.

Meanwhile Dutton's proceedings in the Court of Chancery were finding him out. Not only were they disapproved at Whitehall, but a merchant named Hanson, who had been fined without the Council's concurrence, by the Governor, now began a campaign of vengeance against him, and when committed to custody to ensure his silence, broke prison and took ship for England. There he brought forward charge after charge, some frivolous, others more serious, against his enemy, enumerating the presents which the Governor had extorted from the Assembly and the profits that he had taken to himself from other sources. These most damaging revelations could not but make Sir Richard Dutton uneasy (*e.g.*, 1409, 1435, *see Index*, Hanson).

During Sir Richard's absence in England, Witham, now by succession Sir John Witham Baronet, pursued the work of repressing the factious, which brought him into violent collision with two brothers, Thomas and Henry Walrond, in the Council. These two, apparently, were so deeply in debt, that honest men regretted their own appointment to the Council lest it should be thought they wished to defraud their creditors (1093). Their brother-in-law, John Peers, worked with them, thereby also becoming obnoxious to Witham (1177), and the Deputy Governor did not fail to let them feel the weight of his hand. Another member of the Council had been offended in a different fashion. It appears that then, as now, baronets were jealous of their precedence, and that at the funeral of Ann, Lady Willoughby of Parham, Sir Martin Bentley's coach took post in advance of that of Colonel Newton, a member of Council. Sir Martin apologised, and the Council, accepting the apology, "appointed that Sir Martin " and his lady should henceforth not only know but " observe their places in the Island." The point was

Damaging accusations against him.

His appointment of Sir John Witham as his Deputy.

no sooner settled than another baronet in the Council, Sir Timothy Thornhill, laid claim to precedence in virtue of his baronetcy, and being overruled by precedent, left the Council without cause assigned. He too, therefore, was added to the list of Sir John Witham's enemies (1292, 1344 i). I have dwelt on this small point not only for its bearing on the narrative and for the quaint insight which it gives into the Barbadian aristocracy of the seventeenth century, but because, as everyone who has served on the staff of a Colonial Governor is aware, the question of precedence between British and Colonial titles of honour constantly crops up to this day, and it is well for unfortunate private secretaries to have a precedent which they can quote with authority.

Dutton's
persecution
of Witham
on his return.

Thus during his short period of administration, which was characterised by no lack of vigour and ability, Sir John Witham made at least four members of Council his enemies. His reign was sooner ended by the return of Sir Richard Dutton, than he found himself attacked by the Governor, who submitted seven distinct charges against him in the Council. As was to be expected from a majority of his enemies, the charges were held to be good, and he was at once suspended from the Council and from all employment in the Island (1890). Witham was not present, being ill at the time, but he sent off a hasty letter to Lord Sunderland stating that the sole cause of this trouble was his refusal to return to Sir Richard Dutton the half salary which he had drawn during the latter's absence, and hinting at certain counter-charges against the Governor which he could easily make good (1891). A second letter, a little later, made a fuller defence and a more definite statement of the countercharges (1912); but Dutton had no intention of

stopping at mere suspension of his victim from his public offices. His next proceeding was to arraign Witham in a series of criminal charges, and to appoint Henry Walrond, his bitterest enemy, as the judge to try him (1934, 1935, 2006). The accusations were inexpressibly frivolous, but Witham was found guilty and fined 11,000*l.* (2023). Meanwhile the Lords of Trade had received the report of Witham's suspension and come to the conclusion that he had been very hardly treated. They pointed out further that Sir Richard Dutton himself had violated an established rule in respect of the acceptance of presents. A curt letter of censure therefore was all that Dutton received for his pains; an answer which he little expected, and which boded ill for the success of his persecution of his deputy. The full depth of the Governor's rascality is not shown in the documents of the present volume, so at this point we must take leave of him and of Barbados with him.

From this deplorable specimen of a Colonial Governor it is a relief to turn to the straightforward old soldier who held the Government of the Leeward Islands. The present volume finds him, through the neglect of Whitehall, in precisely the same difficulties as the last, and confronted by a new danger from an invasion of Carib Indians. In July 1681 a party of these savages made a descent upon the tiny settlement in Barbuda and murdered eight of the inhabitants (189, 204). They came from St. Vincent and Dominica, islands which, as Stapleton remarks, could be more easily reached from Barbados to windward than from his own islands to leeward. He had made application to Barbados before for assistance in stamping out these pests, but Barbados was far too selfish to move to help the Leeward Islands. She conceived the Indians to be her friends (259) and would have welcomed

LEEWARD
ISLANDS.
Sir W.
Stapleton's
trouble with
Caribs.

the extinction of her sisters to Leeward, whom she accounted dangerous commercial rivals. So Sir Richard Dutton, soldier though he was and though as a soldier approving a war of extirpation against the Caribs, declined to give help on the ground that his instructions forbade him (357).

His successful attack on them.

Failing assistance from others, Stapleton resolved, after waiting for more than a year, to do the business for himself. The poor, impoverished little islands resolved to fit out a small flotilla of hired sloops, apportioned the cost of the expedition according to their resources, and made it an indispensable condition that Stapleton should command in person (790). A fresh raid in Montserrat in November 1682, immediately after the forming of this resolution, quickened the preparations, and by the spring of 1683 Stapleton was ready. “Necessity compels me to “go a hunting Indians,” he wrote (1006), “which is worse “than hunting miquelets in Catalonia or bandits in Italy, “but I judge it better to prevent their design by “aggression than to live in perpetual fear.” So off he started with the two independent companies of regular soldiers that formed his garrison; and in spite of enormous difficulties from “cross winds, calms, and incredible currents,” which scattered his tiny fleet in all directions, he made his raid on St. Vincent and Dominica and taught the Caribs a lesson. Unfortunately, he did not think it worth while to send his journal of the expedition, which would have been valuable as a contribution to military history, but merely records the success of his attack and his return with the loss of one killed and four wounded. Two of these, we learn, were hurt through their own supine negligence, having gone ashore to catch crabs, heedless of the poisoned arrows that might await them from the forest that fringed the beach, a proceeding

thoroughly characteristic of the British soldier (1126). At the close of this letter comes a little sigh of weariness, which shows, in spite of himself, how the work had told on Stapleton. “ May I beg for a quietus from this most “ troublesome and changeable government that the King “ has abroad, or at least for a furlough. Pray also “ mediate for payment of my arrears new and old, for “ payment of my creditors here.”

Long neglect, in fact, was wearing him out. Letter after letter pleads for money to pay his unfortunate soldiers, now four years in arrear. The French soldiers within sight of him at St. Kitt's were well fed, paid, and clothed, and he keenly felt the disgraceful appearance, through no fault of his own, of his own companies. “ I cannot keep red coats on their backs longer, nor can “ they live longer without victuals . . . my credit “ will not long support them (188) . . . The French “ soldiers do not want for flour, meat or brandy, while “ ours are naked and starving. It were much more “ honourable to disband them than to famish them “ (291) . . . I beg again for orders as to the two “ companies in garrison at St. Christopher's. They are “ in a worse condition than I can describe, worse even “ than the Spanish citadel garrison, whom travellers “ might have seen begging. The poor soldiers on the “ frontier-line see with heartburning their neighbours “ (French) paid on a drumhead, while we are four “ years in arrear. . . . I am out of purse for “ shrouds for the dead and cure of the wounded, for “ minding their arms and giving them credit in merchants' “ storehouses” (860). The Lords of Trade for very shame represented the matter strongly to the King (399), and payment was actually ordered; but in May 1684 we find Stapleton again pleading for his unfortunate men,

The neglect
of his
English
garrison.

still three years in arrear. "I wish to leave," he wrote, "after seventeen years of government without any just "clamour for debts and promises" (1660), debts and promises incurred because neither he nor his men could obtain the wages due to them.

His difficulties with his officers.

His difficulties in other respects were as great. The petty Assemblies made constant difficulties over their power of the purse (*e.g.*, 473–475). The officials in the Islands were negligent and lazy; no sooner was his back turned than everything was forgotten; and he was obliged to hire vessels at his own expense to visit them. He had repeatedly asked for a man-of-war, but the request had been refused. One of the King's ships that chanced to be cruising by, under the command of a Captain Billop, turned the orders issued for protection of the Royal African Company's monopoly into a pretext for piracy (*see Index*, Billop). Stapleton, who was a choleric man, was furious, and made energetic complaints to Whitehall; but Billop was acquitted by a court-martial, to the boundless indignation of all in the Leeward Islands. Once only did the Governor enjoy for a short time the luxury of a man-of-war under a good officer at his disposal, and, as will be shown later, he turned it to excellent account. But the end of the relation is sad enough. "I hear from Jamaica that H.M.S. 'Francis' is "not there, so I conclude that Captain Carlile was "lost in the storm that struck Barbados—a thousand "pities, a brave, hopeful young man" (1681).

His quarrel with the Governor of St. Thomas.

Another terrible thorn in his side was the Danish Governor of St. Thomas, a retired privateer, by name Esmit, who openly sheltered and abetted pirates and shared their gains. The sale to this worthy of certain coasting craft captured by pirates from Leeward Islanders irritated Stapleton beyond endurance; and even more did

Esmitt's claim of sovereignty over the Virgin Islands for the Danish Crown. Stapleton's temper got the better of him in addressing this man. "If," he wrote to him, "you do not make atonement for the injuries you have inflicted on the English, I warn you, have a care. I shall come from the Leeward Islands with an armed force and blow you up" (1189), and beyond all doubt he would have been as good as his word. "I should have visited that squire (Esmitt) before now had I a vessel to transport me," he observes grimly in another letter; "there is no safe trading to or from these parts until St. Thomas be reduced or that Governor hanged" (1504). It was some comfort to him that, when the King of Denmark finally ordered the arrest of Esmitt, he was ordered to give help in case of resistance (*see Index*, Esmitt).

Such few consolations as Stapleton enjoyed came not from Whitehall, but from the West Indies. Sir Thomas Lynch, hearing of his trouble with the Caribs, at once sent him a man-of-war from Jamaica and a letter with it, which, if it ever came to Sir R. Dutton's ears, must have made them tingle. "I am amazed," he wrote, "that at Barbados they said they would not spend 20*l.* to save the Leeward Islands and Jamaica . . . I wish to God we were not so far to Leeward or I could send you brave men enough, and such as would be fitter than the planters to hunt the Indians, but I doubt not that your presence and conduct will ensure success." The Islands of his Government again, hearing that he was quitting them on leave, begged with one voice for his return, or, if he must go, for the appointment of such another (1526, 1538, 1543, 1545). But when a man past a certain period of his life suddenly craves after long absence to leave his work and return home, it is always doubtful whether he will

His return
home on
leave.

ever leave home again ; and Stapleton never returned to the Leeward Islands. So here we take leave of this blunt, straightforward soldier, as good a type of an able, conscientious public servant as ever was left unrewarded. To contrast his honest appeals for wages long overdue, always first for his soldiers and next for himself, with Sir Richard Dutton's eternal whinings about expense and want of salary, is instructive, particularly when we discover that Dutton had made 9,000*l.* out of Barbados in two years. But most characteristic of the man is his reception of the order forbidding Governors to go home without leave. " I always thought it was death to quit one's post." He wrote, " If it be a capital crime for sentinels,"* I am " sure that it ought not to be less for Governors " (860). Not until he had done seventeen years of hard work did he quit his post on leave of absence, driven to England by the home-sickness that heralds the approach of death.

JAMAICA.

Last of the Islands we come to Jamaica, just emerged triumphant from her constitutional struggle. The last vestiges of the chief actor therein are found in two papers from the hand of Samuel Long, securing immunity for himself and his fellows from injury in consequence of any damaging revelations that they might have made respecting privateers (11, 12). Long returned to Jamaica in a much more moderate temper than when he left it (118), was reinstated as Chief Justice, and died some few months later.

Unsuccessful administration of Sir Henry Morgan.

Meanwhile the Government was for the present entrusted to Sir Henry Morgan, the veteran buccaneer, whose letters though, for reasons that will appear later, sometimes a little incoherent (*see e.g.*, page 6), attest the reformation of his character by his interest in the Church (13), his rigour against privateers (13-17, 51, 73), and occasional pious

* Sentinel, or rather centinel, is the old term for a private soldier.

ejaculations (p. 29). In May he summoned an Assembly, and endeavoured to persuade it to vote a Revenue Bill for seven years, though, in spite of much effort, with very indifferent success (115, 137). After considerable negotiation the Revenue Bill was finally passed for two years, rejected by the virtuous Sir Henry (246), and again passed for seven years, but with several other Acts tacked to it, a proceeding which was not likely to be relished at White-hall (285), more particularly when the reasons for this tacking was explained (367). Meanwhile Sir Thomas Lynch, who had already once governed Jamaica, had been appointed Governor, with instructions, if possible, to obtain a Revenue Bill not for seven years only, but for perpetuity (227), while a warrant was prepared to void all Acts passed by Sir Henry Morgan unless the Revenue Bill for seven years should be passed before Sir Thomas Lynch's arrival (257). As a favour to the Morgans apparently, the command of the chief fort in Jamaica was entrusted to Sir Henry's brother Charles (330), a proceeding at which Lynch with just prescience looked with some dismay (333).

Having remained over three months wind-bound at Governor Plymouth, Sir Thomas at last set sail, and after a most disastrous voyage, which cost his wife her life, landed in miserable health at Jamaica on the 14th of June (552, 575). On the 21st of September he met the Assembly, and after warning them tactfully that the King would not accept laws tacked to a Revenue Bill, begged them to trust their Sovereign and banish their suspicions (699, 711). Such confidence did he inspire that the Assembly voted the revenue for seven years (711), even before the Lords of Trade had time to formulate their objections to the system of tacking (760), and to add thereto a threat that, if the Assembly refused a revenue, the King had power

Sir Thomas
Lynch
arrives. His
success in
restoring
confidence.

under the laws of England to levy tonnage and poundage (771). The new Act was, therefore, received with the greatest satisfaction at Whitehall, and confirmed together with all the rest of the Acts for seven years (966).

The good feeling in the Colony improved rapidly after the King's ready fulfilment of his Governor's promises; the Assembly addressed Sir Thomas Lynch in terms of real gratitude (1237), and Sir Thomas, a few days later (Sept. 21, 1683), took advantage of the moment to plead for prolongation of the term of the Revenue Bill for twenty-one years (1275). Just at this point two incidents occurred which went near to wreck the whole structure of confidence and goodwill which he had so carefully reared.

His quarrel
with the
Morgans.

A petty dispute between Captain Churchill, of the Royal Navy, and a cantankerous merchant-skipper led to the ducking of a sailor by Churchill so severely that, whether from injury or from shock, the unfortunate man died a few days later. This led in turn to a violent feeling against Churchill, which culminated in a riot between the King's sailors and the townsfolk. The coroner's jury hesitated whether their verdict should not be wilful murder against Churchill, but was overawed by Sir Henry Morgan and a little clique of followers. Taking part with Churchill, Sir Henry and his brother Charles kindled fresh disorder, which rose to such a point that Sir Thomas Lynch dismissed them both, together with another of their gang, from all public employment. Old Sir Henry had by this time sunk into extreme disreputability, was constantly drunk, and when in this state abused the Government, swearing, damning, and cursing extravagantly. His brother was worse than himself. He never went near the fort which he commanded except in a drunken state, had almost, if not quite, killed several soldiers, and had

driven many to desert (1249, 1348). Their dismissal was confirmed, and the captor of Panama bids fair from this moment to disappear from our notice. In spite of his fair words, he had been guilty of not a few scandalous jobs while acting as Governor, and was no more to be trusted. It says much for the general confidence in Sir Thomas Lynch that the Assembly, despite the faction of the Morgans, passed the Revenue Bill for twenty-one years (1317). In fact his wise and conciliatory administration changed the old suspicious feeling against the Crown into hearty and healthy loyalty.

Beyond the difficulties of internal government, piracy was a mischief which gave Sir Thomas Lynch extraordinary trouble. In the Index, under the heading *Privateers*, will be found a list of the names of over two dozen notorious pirates, by which those interested in the subject will be able to follow it. Some of these held commissions from the French Governor of Petit Guavos, in Hispaniola, and it was a constant question whether these commissions were to be respected or not. But even more troublesome were the petty thieving craft who plundered unfortunate fishermen and turtlers, being afraid to fly at higher game. Apart from the exasperation created among these poor men, the cutting off of the supply of turtle was a serious matter, for it formed the staple food of the crews of ships in port at Jamaica and the daily meal of at least two thousand of the inhabitants on the coast (1958). Lynch, always energetic, built a fifty-oared galley to sweep these pests off the sea, and with some success (p. 393, No. 992), but the evil re-appcared later (1938, 1949, 1964), and the fishermen begged hard for a man-of-war of shallow draught to protect the fisheries. These petty pirates were the most brutal of their kind, a Spaniard named Juan Corso being the worst of them. They thought nothing His troubles with pirates.

of landing the fishermen that they had robbed on a barren islet and leaving them to perish.

His death
hastened
thereby.

Of the greater privateers, St. Thomas, with its rogue of a Danish Governor, was one stronghold, and New Providence, Bahamas, under an equally roguish English Governor, one Clarke, another almost as pernicious. Clarke was early rebuked by Lynch in a letter (668, I.) which even he admitted to be perhaps “too aigre and imperious,” and was ultimately sent home under arrest, but not before untold mischief had been done. The Bahamas were a very Alsatia of rascaldom, the scum of the world being attracted thither by the prospect of recovering treasure from wrecked ships, in which pursuit they were helped by a rude diving-bell invented by an ingenious Bermudian (p. 284). But the favourite harbour was the French port of Petit Guavos, where French commissions could be had for the asking. It was apparently vexation at his failure to repress piracy that hastened Sir Thomas Lynch’s death in August 1684 (1852). His acting successor, Colonel Molesworth, did his best to carry on his work, but Lynch was a man not easily to be replaced.

The exploits
of privateers.

The exploits of the privateers at this period include the sack of Vera Cruz and the cruise of the *Trompeuse*, a vessel which, originally launched on her career by the stupidity or worse of Sir Henry Morgan (364–366), gained after a time a world-wide reputation for her astonishing success under the command of her French pirate captain, Hamlyn or Hamelin. A full account of her cruise, of her captures of slave ships on the West Coast of Africa, and of the brutalities of her captain will be found at No. 1313 (*see also* 1216, I., and Index, *Trompeuse*). Her destruction in the harbour of St. Thomas by Captain Carlile, of H.M.S. “Francis,” Sir William Stapleton’s favourite, will also be found described

at length in No. 1168. Even after she was destroyed her name was so popular that a successor named La Nouvelle Trompeuse started on a like career (*see Index*).

The evils of privateering were not of course bounded by the mere disturbance of trade. The Spaniards, who were the principal victims, of course made reprisals on any English vessels that they could catch, whether innocent or guilty, whether seeking contraband trade in Spanish ports or driven to them by stress of weather. The treatment of the unfortunate prisoners taken on these occasions was barbarous in the extreme. A specimen of it may be found in the relation of one of them named Jonas Clough (303), supplemented by the narrative of two more prisoners (385). The part that religious animosity played is seen in the degradation of the corpses of the dead, which were dragged through the city, obscenely mutilated by the scholars of the free school by order of the clergy, and left to the dogs. More notable vengeance for the aggression of the privateers was the surprise and sacking of New Providence, Bahamas, by an expedition from Havana (*see No. 1509*), a stroke which, however furiously denounced by the English, cannot be said to have been unprovoked. The corruption of the Spanish officials, however, deprived them of all sympathy from English Governors. They were governed by no principle of executing the regulations of the Spanish King in relation to trade ; they winked at contraband traffic where they found it profitable ; and they would allow British vessels to come and go unheeded for a time that they might the more easily make capture of them by surprise. One form of such traffic, which had long been carried on by tacit consent, we find openly recognised in the present volume, namely, the supply of negro slaves to the Spanish Colonies through Jamaica, a trade which brought immense gain to the island (*see Index, Jamaica*)

Spanish
reprisals.

trade). Our only marvel is, on reading the letters of Sir Thomas Lynch, that it needed another half century and a fable of “Jenkins’s ear” to bring England and Spain to open war over these matters.

The danger
of privateer-
ing to the
old system
of Colonial
defence.

A still more serious result of piracy was that it drained away the poorer portion of the white population from the tropical settlements, exercising much the same effect as what is called a “gold rush” at the present day. The full significance of this is not realised unless we bear in mind the old system of colonial defence. In England up to the Civil War the principle of home-defence had been to keep a few weak independent companies attached permanently to such garrisons as required them, and to depend for the rest on the militia. In the Colonies the same principle was applied with little or no change. There were, as we have seen, two independent companies of English in Virginia, as many in Jamaica, the same number in the Leeward Islands, and the same, thanks to the prudence of the Duke of York, in New York. These were the only regular troops in the Colonies, and this small handful of red coats, together with four or five frigates, alone showed that there was some thought of Imperial defence. Apart from these the safety of the Colonies depended upon themselves, that is to say, upon their militia.

Colonial
Militia.

In the Northern Colonies of America, where the white man could increase and multiply, this militia consisted at any rate potentially of the whole male population, and occasionally, as for instance in Massachusetts, was extremely efficient. In the tropical Colonies, where the white man could not thrive, the ranks of the militia were filled with “white servants,” with white men, that is to say, transported from England and bound to serve for a term of years, at the close of which they received

their freedom and in many cases a grant of land. Every planter was bound to produce so many white servants for the militia, according to his property, and the planters themselves, as was natural, took their place as officers. Interest quite as much as patriotic sentiment prompted the planters to keep the militia in strength and efficiency, for they had before them always the spectre not only of foreign invasion, but of a rebellion of slaves. Then, as now, the whites in the West Indies were very much afraid of the blacks, and shrank nervously from any attempt at educating or improving them (*see* No. 59); while the least symptom of insubordination was visited with frightful penalties. A negro who ventured to say to his mistress that one day the negroes would serve the Christians as the Christians now served them was burnt alive for the words (1475). The loss of white servants through the attraction of piracy was, therefore, not only a commercial loss, but a formidable danger, for it became a question how their place should be supplied.

Moreover, as we have seen, the King, having cut off "White servants" and transported criminals. the two companies from Virginia and also (434) from Jamaica, had made the need for them the more urgent. The white servants who volunteered, for what was after all little better than slavery, were the scum of the earth (768, I.), and transportation of criminals seemed to be the most obvious method of keeping up their numbers. Of this accordingly we hear a great deal (*see Index, Transportation*). There was also a vile traffic in white slaves which was carried on by crimps and kidnappers, and lasted, as "The Vicar of Wakefield" tells us, until Goldsmith's day. Merchant captains also, as two passages in the Calendar shows us (1939, 1997), would sell their apprentices to planters without scruple. But certain action by one of the judges in England (p. 597,

No. 768, I.) had given general discouragement to the exporters of white servants, and the West Indian Islands were not a little troubled in consequence (768, I.). The point is of importance, for from these years we must date the breakdown of the first primitive system of colonial defence; and it is characteristic of the apathy and carelessness of King Charles the Second that he should have chosen just that moment for reducing colonial garrisons to the lowest point. It should be noticed, too, that he refused to grant a free passage home to the disbanded soldiers in Virginia (347). This wicked precedent was followed by the War Office for fully half a century after this date, insomuch that, even when the multitudinous independent companies in the Islands gave place to garrisons from the regular army, one regiment of the Line was kept in the West Indies unrelieved for sixty years.

Naval
matters.

From military matters to naval the transition is easy. The student will find all information grouped under the head *Naval* in the Index. The most interesting points are the prohibition, owing to the loss of H.M.S. "Norwich," for officers to carry merchandise on board men-of-war, and a sharp dispute between Sir Thomas Lynch and the Admiralty over a Governor's powers as Vice-Admiral, wherein, needless to say, the Admiralty came off victorious. Other naval points have already been touched on in previous pages of this Preface.

As to the work of the Church, I would again refer the reader to the Index, and in particular to Sir Thomas Lynch's report on that of Jamaica (757), and Lord Culpeper's on that of Virginia (1272). The existence of a sect called the "Sweet-singers" in the latter country may be of interest to those who are curious on such points. The activity of Bishop Compton in the

ecclesiastical affairs of the Colonies is noteworthy, for the peculiar connexion which still survives between the Bishopric of London and the Anglican Church in the Colonies is doubtless to be ascribed to his efforts. It was he who put forward the plea for the conversion of the slaves to Christianity, which was so hastily set aside by the planters of Barbados (57), as well as for fair treatment of the Indians in Pennsylvania. It is the irony of history that he should be remembered only as the prelate who donned his long discarded buff coat to escort Princess Anne at the Revolution of 1688.

As regards the general administration of the Board of Trade and Plantations, nothing is more noticeable than the general increase of apathy, slackness, and procrastination. The Secretary of State in charge of the department was Sir Leoline Jenkins, the intelligent person who was so far taken in by Sir Richard Dutton as to tell him that the world contained few such men. It is evident, however, that, be the Secretary who he might, he and the whole Board were paralysed by the indolence of the King. Active Governors like Lynch and Stapleton begged in vain for instructions, for countenance and for support, not only in matters of internal government, but still more as to their attitude towards the Spaniards and French. An informal letter from Lord Conway to Jenkins gives us a glimpse of the Merry Monarch's methods of transacting business. "I return the French and Spanish letters. The "King saw no reason to give any orders in respect of "them, excepting that in regard to Virginia he took "notice that the country had been disturbed and "appeared to be calmer, and that it was necessary to "hasten a Governor over thither." There was little hope for English prisoners in Spanish dungeons from such a King. The scandalous mismanagement of the business

The King
and the
Board of
Trade and
Plantations.

of Bermuda, and the long delay in bringing Massachusetts to book, must, I take it, be traced to the same cause. The picture of inefficiency, selfishness, and neglect is not pleasant to dwell on.

The Board
and
economical
experiments
in the
Colonies.

On certain points, however, where the Board was guided by the Commissioners of Customs and the Commissioners of the Mint, we find its decisions dictated by the soundest good sense. The Colonial Governments then, as now, were fond of resorting to crude experiments for the remedy of present commercial or financial distress, such as the enforced prohibition of tobacco-planting to raise the price, with its amazing development of the tobacco-cutting riots, arbitrary legislation for the creation of towns, for fixing the value of money and the like. The memoranda treating of these subjects (to one of which I have already called attention) are worth reading, and it is interesting to see, in the palmy days of the Navigation Acts, such apophthegms as “Trade must be courted not forced;” “Trade is “not balanced by notions and names of money and “things, but by intrinsic values.” (*See Index, Economical.*)

Finally, it must be remarked that the Board was alive to the disadvantages that accrued from the isolation and selfishness of the different settlements. It sent, for instance, peremptory orders to Barbados to help the Leeward Islands against the Caribs; and followed up the dissolution of the Charter of Massachusetts immediately with a project for a united New England. What form that project would have taken had Charles the Second lived to see it completed is doubtful, but the scheme was reserved by fate for the decision of his successor, who, with all his faults, had very considerable talent for administration. The contrast

between his transaction of business and that of his incorrigibly idle brother will form the chief object of interest in the next volume of this Calendar.

I have only to remark in conclusion that I have added a few general headings, such as Naval, Military, Ecclesiastical, Economical, to the Index of this volume, and instituted similar divisions under the name of each Colony, in the hope that such classification may lighten the labour of students in the search for special information.

J. W. FORTESCUE.

COLONIAL PAPERS.

AMERICA AND WEST INDIES.

1681.

1681.

Jan. 2.
Nevis.

1. Sir William Stapleton to Lords of Trade and Plantations. The French Deputy Governor of St. Christophers informs me that Count de Blenac has ample power to include Barbados, Jamaica, and all this side of the tropic in the Treaty of Neutrality signed by him and me (*see previous volume, No. 741 ix.*) If the King will empower me or anyone else for the purpose, which would be much to the good of his subjects here, and no less to the increase of the American trade and revenue, I shall apply myself to the task with all the circumspection in my power. It is more obvious to act in it with less trouble and charge (*sic*) for the French General (Blenac) comes to St. Christophers once a year, and is now expected there, where I shall meet him either on our frontier or theirs. Count d'Estrees sailed home with his squadron three weeks ago, leaving three frigates to guard their plantations and trade. *Postscript.*—I humbly submit to you the annexed draft (*missing*) of a star or comet. 1 p. [Col. Papers, Vol. XLVI., No. 82, and Col. Entry Book, Vol. XLVI., p. 455. Duplicate, ibid., p. 460.]

Jan 4.

2. Answer of the Elders to the question propounded to them by the General Court assembled in Boston, 4th January 1680. We humbly conceive that this honourable Court should send an agent or agents to England fully instructed to answer any complaint against us. The King required us to do it, so we shall thereby show our obedience to him as in duty bound. Nor is Scripture without instances of those that have with good success asserted their innocence when adversaries have made complaint against them, Ezra IV., 3, 5, 11, &c., VI., 1, &c.; and we ourselves have found by experience that our sending agents for England hath been (through the Lord's mercy and blessing) a means of lengthening out our tranquillity. Secondly, We think that the Court should use the uttermost care and caution that no agents of ours shall act or have power to act anything that may have the least tendency towards yielding up or weakening the Government as by Patent established. It is our undoubted duty to abide by what rights and privileges the Lord our God by his merciful providence has bestowed on us, and whatever the event may be, the Lord forbid that we should be any way active in parting with them. Certified true copy "from

1681.

the original delivered in by Mr. William Hubbard in the name of the Elders. 6th Jan. 1680. E. R. S." 1 p. Endorsed. [Col Papers, Vol. XLVI., No. 83.]

Jan. 10. **3.** Commissioners of Customs to Lords of Trade and Plantations.
Custom House. We have received your letter of 18th inst. (?ult.) respecting the Order in Council touching a cessation of planting tobacco in Virginia during 1681 (*see previous volume, No. 1617*). We observe that this question of cessation arises from a letter of Mr. Spencer's of 9th July last (*previous volume, No. 1434*) to Lord Sunderland, wherein he acquaints him of several Acts and Orders and an address praying for the cessation. But in the paper annexed to this letter, which we presume to be the address referred to, the Assembly only asks that the great quantity of tobacco may by some expedient most agreeable to the King's wisdom be abated, and does not so much as mention that of cessation, so that it may be doubted whether such an expedient would be acceptable to the poorer planters. It might be of advantage to the wealthier men in Virginia, and still more to the merchants who are engrossers here and have large stocks on their hands. But, as Mr. Spencer himself hints, we cannot but think that the King's customs will suffer heavily. We observe further that in his letter of 20th August (*previous volume, No. 1486*), Mr. Spencer mentions that the people are inclining to cohabitation as a principal means of abating the quantity and improving the quality of tobacco, that an Act has been passed to encourage it, and that it is likely to benefit alike the rich, the poor, and the King's customs. Again, Mr. Spencer in his former letter says that there are now on the ground the greatest crops ever known, which when added to the stock still in the Colony, will be as much as, if not more than, the ships can carry off in two years. But we are informed that there have been the like reports of great crops in former years, and that our shipping has rather wanted freight than the crops a sale. Again, most parts of Christendom are at present furnished with Virginian tobacco. If the Virginians cease to grow it, the Spaniards, Dutch, and French, may grow a greater quantity in their plantations and take the trade from us, to say nothing of the stimulus that would be given to the production of tobacco in England. The average receipts of the customs from tobacco in the last three years have been 100,000*l.* If the planting of tobacco should be stopped for a year, we doubt whether the greater part of this sum would not be lost, leaving out of account the loss to the shipping of the country. *Signed,* Ch. Cheyne, F. Millington, John Upton. *Copy.* 2 pp. [Col. Papers, Vol. XLVI., No. 84.]

Jan. 13.
**Council
 Chamber.**

4. Journal of Lords of Trade and Plantations. Ordered, That Mr. Pane be furnished with copies of papers received from Sir Jonathan Atkins, 13th June 1678, respecting abuses he had suffered in Barbados. [Col. Entry Bl., Vol. CVI., p. 244.]

Jan. 14.

5. John Jeffreys to Sir Leoline Jenkins. I take the liberty to trouble you with my poor sister's petition. She has had an order

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to receive the money she asks for on giving security to restore it, if the King should so adjudge it, but she has now made out the justice of her claim, by the oath of Colonel Moryson and others, and now begs for the King's final decision. Without it she cannot dispose of the money to any advantage, and she is still threatened by Lady Berkeley, with the solicitation of that pattern of virtue, Lord Culpeper. *Signed.* $\frac{1}{2}$ p. *Endorsed* with address to Sir L. Jenkins. *Annexed.*

5. i. Petition of Susanna Jeffreys, widow, to the King. Recapitulating the quarrel between herself and Lady Berkeley over the salary claimed by each as due to her departed husband, and praying the King for a final determination of the question. 1 p. [Col. Papers, Vol. XLVI. Nos. 85, 85 i.]

Jan. 15.
Council
Chamber.

6. Journal of Lords of Trade and Plantations. Laws of Barbados received on 1st June 1679 read.

Boundaries of Mr. Penn's Patent as settled by Chief Justice North, with Sir J. Werden's alterations, read and approved. The whole patent to be reviewed next Wednesday (19th).

The memorial of the Dutch ambassador of $\frac{1}{2}$ December last for restitution of Statia and Saba, read, also Sir W. Stapleton's report of 18th May. Agreed to recommend that the islands be restored, and that the Governors of the Caribbee Islands be ordered to take special care that no intercourse be permitted with these islands contrary to the Acts of Trade and Navigation. [Col. Entry Bk., Vol. CVI., pp. 218, 219.]

Jan. 19.
Jamaica.

7. "Mr. Daniel Gerard Reinerman's attestation under his own handwriting, offered to be sworn to, of the Governor of Santa Martha's carriage and words in relation to the English, endeavouring to persuade him, with the commodore of the Brandenburg squadron of ships, to take all English men and ships, right and wrong, and bring them into that port, etc." *Dutch.* 2 pp. *Signed*, D. Reinerman. *Endorsed as above.* "Recd. the 19 April 1681 from the E. of Carlisle." [Col. Papers, Vol. XLVI., No. 86.]

Jan. 22.
Council
Chamber.

8. Journal of Lords of Trade and Plantations. Draft of Mr. Penn's Patent read. The Lords desire Chief Justice North to provide by fit clauses therein that all acts of sovereignty as to peace and war be reserved to the King, and that all Acts of Parliament concerning Trade and Navigation and the King's Customs be observed; also so to draw the patent in general as to consist with the King's interest and encourage settlers. Paper from the Bishop of London read, desiring that Mr. Penn be obliged by patent to admit a chaplain of his Lordship's appointment upon the request of any number of planters, and referred to Chief Justice North. [Col. Entry Bk., Vol. CVI., pp. 249, 250.]

[Jan. 24.]
Barbados.

9. Petition of Roger Cowley and Richard Trant, agents to the farmers of the four and a half per cent. duty, to Sir Jonathan Atkins. On 9th June 1680 your Excellency ordered us to furnish the

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Council of the Island with an account of all goods entered outward-bound in the office of the four and a half per cent. by the 9th September, and so to continue from quarter to quarter. We should readily comply could we do so without leave of the farmers, but we fear to commit a breach of faith till that leave be given. For the farmers are not bound to render an account oftener than once a year; the rendering of quarterly accounts would cost the farmers 100*l.* a year, which we dare not incur without permission; and the annual account rendered at home will surely furnish such information as is required. *Certified copy. Large sheet. Endorsed.*
 "Recd. from Mr. Stede 24 Jan. 1680-1." [Col. Papers, Vol. XLVI., No. 87.]

Jan. 25. **10.** The Council of Barbados to Lords of Trade and Plantations. We enclose duplicate of our letter of 23rd September last, showing the papers that were then transmitted; and we now send the Acts Orders of Council, and other affairs transacted since that date. *Signed,* Jonathan Atkins, Richard Howell, Benjamin Knight, Samuel Newton, John Peers, Henry Walrond, Thomas Walrond, Thomas Wardall, John Witham. *Duplicate. 1 p. Endorsed.*
 "Recd. 4 June 1681. Quarterly accounts wanting." [Col. Papers, Vol. XLVI., No. 88.]

Jan. 27. **11.** "Colonel Long's draft of a letter for Jamaica." It has been made evident to us by the oath of Samuel Long, William Beeston, Peter Beckford, Jonathan Ashurst, and Samuel Nash, merchants, on full examination of the matter in our Privy Council, that divers insolencies and enormities have been committed by several persons belonging to Jamaica as privateers and freebooters, not only to the great danger and reproach of the said Island, but also (if it be not timely and effectually remedied) to the irreparable damage of its honest and industrious inhabitants engaged in planting or merchandise. These cannot be supported and encouraged as they ought to be if their hands be weakened by withdrawing the strength necessary for their preservation and depreciating the effects of their labour; and thereby also a door is opened to piracy and rapine. Being resolved to redress all such mischief, we hereby signify our high displeasure at such bold, licentious, and unlawful practices and the persons that are guilty thereof, and we strictly command all our officers, military and civil, to repress such mischiefs for the future by all lawful means; and we order further that the said Colonel Long and others be preserved from all indignities, injustice, and violence from the said freebooters, and on the contrary receive regard and encouragement. *Endorsed with the above heading. 1 p. [Col. Papers, Vol. XLVI., No. 89.]*

[Jan. ?]

12. Draft of a portion of a letter. "That upon the examination of Samuel Long, Peter Beckford, &c., many truths have been discovered to His Majesty and his Council which may seem to have reflection upon several of his officers in Jamaica, by discovering their faults, who remaining in their commands will be apt to take revenge or injure them in their concerns unless His Majesty will be pleased to

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signify that the said persons have done their duty, in truly informing and commanding all officers, both military and civil, that they do no injury nor injustice to them in their persons or interest, on pain of His Majesty's displeasure." $\frac{1}{2}$ p. *In the same handwriting as preceding paper and evidently emanating from Colonel Samuel Long. [Col. Papers, Vol. XCIX., No. 90.]*

Jan. 27.
Port Royal.

13. Deputy Governor Sir Henry Morgan to Lords of Trade and Plantations. Since the beginning of November last, there hath rid at anchor in this harbour one Captain John Crocker, commander of a small Spanish ship of ten guns and eight "patereras," and a hundred men licensed by the Company of Seville to trade in the American seas for two years. It now waits for the Royal African Company's ships with negroes, intending to sail next week to Cartagena. One ship has arrived and another is looked for every hour, having only touched at Barbados for refreshments. There is no question but that Jamaica will gain much by this trade with the Spaniard, wherein the Government does not fail to give encouragement. About 20th December last, arrived here four small frigates, between sixteen and thirty guns, under the command of four Flushingers, Captain Cornelius Reers, Admiral, belonging to the Duke of Brandenburg, having letters of reprisal against the Spaniard. They desired leave to come into this harbour and refit, bringing with them two prizes, one laden with Spanish wines from the Canaries, another with tallow, and a small galliot hoy with salt and brandy. They urged the Duke's alliance with England for permission to sell their prizes, that by the produce thereof they might purchase all necessary refreshments for their present expedition. On this I directed the Secretary of the Island and the Naval Officer to examine every ship's proportion of several kinds of the stores that they wanted, upon which they reported to me their several demands, amounting to near 800l. I thereupon gave them leave to sell their prizes, which they did, and have ordered the prize ship laden with wines to sail for Europe in a few days with some English ships from this port. The four frigates sailed hence on Saturday last in company, bound eastward, to cruise and search the coast of Hispaniola first and then the Main. While they were here they were not more pleased with their opportunity of refreshment than the Spaniard was pained by the apprehension that they would intercept him. They would certainly have done so (the temptation being so high) had I not very pressingly interposed for his protection, which they then as graciously granted, to the great satisfaction of the Spaniard. He will leave in a few days for Cartagena. The Brandenburgers assured me that the King of Denmark would very speedily send a larger force on the same errand as themselves, to gain that satisfaction from the Spaniards which is denied in Europe. For want of copies of the several treaties with the respective allies of England, I am at a loss how to guide my conduct. I now act by the advice of the Council, as our prudence and discretion may best direct us, but I beg for instructions on this point by the earliest opportunity, for I know not how

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soon I may need to use them. Upon the whole matter, the Spanish interest is strangely shocked all around us, and nothing can preserve it from being lost unless they gain the protection of England, which hath its great advantage from the natural situation of this Island, in the very centre of the American seas, with a commodious harbour and such large and plentiful collections of stores for the service as are found in no other part of the West Indies. I humbly submit this to your Lordship's pleasure to be debated with the Earl of Carlisle, who has full knowledge of the matter, so important to this Government. Meanwhile, the Spaniards continues their wonted unkindness to the English in these seas, taking generally all our ships that they can master at sea or circumvent in harbour, refusing any reparation of any kind to us, who deny none to them whenever they address this Government; "which is much countenanced from a graceful digestion of a full auditorie in a new church which we entered into on last New Year's day, to the great satisfaction of the inhabitants as well as strangers" (*sic*).

Unless I receive the King's orders speedily to call an assembly, the Government will be cramped for revenue, which expires at the end of March next. Your Lordships' care and kindness will be necessary to prevent this. We have had no certain intelligence of the French fleet these three months, so that we know not where they are at present. I keep the regiment at Port Royal duly exercised, four companies always upon the guard, and our look-outs to windward, so that we are not likely to be surprised. Captain Heywood, Commander of His Majesty's ship Norwich, in November seized an interloper, which since hath been condemned in the Court of Admiralty. Being at the caption sole judge of the Court of Admiralty myself, I thought fit to resign my power and appoint John White, Esq., to succeed me therein, who formerly held that station in Sir Thomas Lynch's time. But notwithstanding all our vigilance, some interlopers do escape, and landing their negroes, distribute them in the plantations near adjacent and so avoid seizure. One Captain Daniel did this last week, and left only a bare ship to be seized by the Naval Officer, which was done accordingly by virtue of the Act of Navigation.

I received by Captain Bennett your Lordships' commands in your circular letter (*see previous volume, No. 1533*), with the inquiries. I have issued orders to Mr. Thomas Martin, His Majesty's Receiver-General, for an account of the revenue, and His Majesty's Surveyor-General for an account of the island. I have also given orders for a general muster throughout the island against the sailing of the next ships. The rolls of the King's two standing companies are returned by the present ship. I hope to send by ships sailing about three months hence "such a scenographie of the Point as shall be of such satisfaction to His Majesty and your Lordships as yet never was presented from these parts, which since His Excellency's departure hath been the curious endeavour of His Majesty's Surveyor-General and his deputies." In St. Thomas there is a church and minister; in St. David's the like; both at Port Royal, and so in St. Andrew's; a church and minister in

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St. Katherine's; the like in St. John's; a church building in St. Dorothy's but yet no minister; a minister in Clarendon and the church building; in St. Elizabeth's a minister but no church; for all parishes on the north side neither church nor minister. The settlements there are not much above five years' standing, but they improve much, and will provide for their religion as soon as their condition will stand the charge. The burials and christenings are difficult to return where there is no registry. Being at a distance the people bury in their own plantations, and forbear christening some years till the accidental arrival of the minister. It is no ordinary trouble to me that your Lordships should expect from me more than is in my power, who to my power shall always be obedient to your Lordships. *Signed. Inscribed, Recd.* 8 April 1681 per Captain Bennett. Read 14 April 1681. 6 pp. [Col. Papers, Vol. XLVI., No. 91, and Col. Entry Bk., Vol. XXIX., pp. 468-473.]

Jan. 27.

14. Duplicate of above. [Col. Papers, Vol. XLVI., No. 92.]

Jan. 27.
Port Royal.

15. Sir Henry Morgan to the Earl of Sunderland. Having not had the honour or happiness to receive any commands from your Lordship since the departure of Lord Carlisle, I enclose copy of my letter to the Lords of Trade and Plantations, and earnestly beg you to send me copy of the treaties therein mentioned for my guidance. Lord Carlisle will make clear to you the interest of England in countenancing this Government, which has outdone all other colonies in progress, and in powers of defence and offence. Your Lordships' intelligence of the alteration of the European purposes and interests upon these parts would be a favour of great value to me. *Signed. 1½ pp. [Col. Papers, Vol. XLVI., No. 93.]*

Feb. 1.
Port Royal.

16. Sir Henry Morgan to the Earl of Sunderland. Since writing mine of the 27th January, a ship has arrived with your Lordship's letter, the King's commission and instructions, and three treaties for my guidance. I have summoned a Council for Thursday next, and issued writs for an Assembly to meet on the 18th March next. On Saturday night I had notice of one Captain James Everson, commander of a sloop, a notorious privateer, being at anchor with a brigantine which he had lately taken. I presently secured all the wherries on the Point and manned a sloop with twenty-four soldiers and thirty-six sailors, which at midnight sailed from hence, and about noon came up with him in Bull Bay. Then letting the King's jack fly they boarded him; they received three musket shot, slightly wounding one man, and returned a volley killing some and wounding others of the privateers. Everson and several others jumped overboard and were shot in the sea near the shore. They then brought her away with twenty-six stout men, whom they brought last night into this harbour. These are now prisoners on board H.M.S. Norwich to await trial for their lives. I have issued warrants for the apprehension of those that escaped, of whom I doubt not to give a good account.

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Such is the encouragement which privateers receive from my favour or the countenance of the Government, whatever the reflections of the Spanish Ambassador. I present this complaint to your Lordship against the unchristianlike conduct and unneighbourliness of the Spaniard, who take all our ships at sea or in port. They have this year captured twenty-two sail and absolutely ruined our Bay trade. Though not ordinarily prejudicial to this Colony, this is most detrimental to the King's customs, as you will perceive from depositions which I have forwarded to Lord Carlisle. I could multiply them if I chose to countenance addresses against the Spaniards' inhumanity. We treat them on all occasions with all imaginable respect and kindness, and in return receive only ingratitude; they have many English prisoners, we not one Spanish, and why they should have credit at Whitehall and we want it I leave to your Lordship.

Postscript.—Upon search we could find nothing like a commission. All Everson's men were English, to the number of seventy, except six Spaniards. I shall send these last next week to Carthagena.

Signed. Endorsed, "Rec. 29 April." 2 pp. [Col. Papers, Vol. XLVI., No. 94.]

Feb. 1.
Port Royal.

17. Sir Henry Morgan to Lords of Trade and Plantations. I have received the King's instructions and three treaties, France, Spain, and Netherlands, but want your directions as to our other allies. I have been so fortunate as to capture a notorious pirate, Jacob Everson (*recapitulates account given in No. 16*). So much for the encouragement that privateers receive from this Government. 1 p. *Inscribed, Recd. 8 Apr. 1681. Read 14 April 1681. [Col. Papers, Vol. XLVI., No. 95, and Col. Entry Bk., Vol. XXIX., p. 474.]*

Feb. 16.
Whitehall.

18. Order of the King in Council. That the petition of sundry of His Majesty's subjects in Bermuda be referred to the Lords of Trade and Plantations for their report. *Signed, John Nicholas. 1 p. Annexed,*

18. i. The humble petition of many of your Majesty's good subjects, freeholders, and others inhabiting the Somers' Islands or Bermudas. Your royal grandfather, King James, by Letters Patent established a Company in London for the government of these Islands, under whom your petitioners enjoyed much peace and quietness for sixty-eight years, whereof all your Plantations have received much benefit, particularly Carolina, which is well resented by the proprietors. Now, since several disaffected persons have endeavoured by wrongful charges of injustice and oppression to induce your Majesty to withdraw your countenance from them and us, under which this Island mourneth, your petitioners live in great pain, till you restore the Company, our nursing fathers, to its ancient method of governing. We therefore humbly beg you to command the Company to reform

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what is amiss amongst them, and let not this Island suffer with their dissolution, for we have already suffered too much in our wonted peace and quietness through these alterations. *Signed*, Flor. Seymour, John Fowle, minister, Richard Hanger, Thomas Witter, Henry Vaughan, John Bristow, sen., Francis Tucker, Daniel Seymour, Thomas How, John Bristow, jun., John Tucker. 1 p. *Endorsed*, "Recd. 21 Feb. 1680-81."

Memorandum in Entry Book,—Three other petitions were presented to same effect. [Col. Papers, Vol. XLVI., No. 96, and Col. Entry Bk., Vol. XVII., pp. 85, 86.] .

Feb. 16.
Whitehall.
Plantations
General.

19. Order of the King in Council. Exempting ships liable to duty for commodities carried to England, Wales, and Berwick under the Act 25 Car. II. from that duty on the giving of bond and one surety. *Printed sheet, black letter*. *Damaged*. [Col. Papers, Vol. XLVI., No. 97.]

Feb. 16.
Esher Place.

20. Sir Thomas Lynch to William Blathwayt. During the time I commanded at Jamaica I know of no damage done the Spaniards but by such as were declared pirates, and punished when we could apprehend them; so that during all that time neither their vessels, goods, nor persons ever came under command. However, the Spaniards did us divers injuries, by seizing our ships and sloops, chiefly logwood-cutters. I sent a long catalogue of our losses, which amounted to many thousand pounds, which paper I suppose you have: it was in 1673. As I remember, the principal and most unjust was the Virginia, Mr. Lyttelton's ship, that was seized going for England because she had logwood in her. The master, Cooke, is he that is since turned rogue and took the cacao and murdered the Spaniards. Among that catalogue is a ship of negroes taken off Cartagena that amounted to about 6,000*l.* I expect to be in town next week. I thank you for the news and those that do me right in Council. I should be glad to hear of Colonel Herbert: we are frightened about him. *Holograph*. 2 pp. *Endorsed*. [Col. Papers, Vol. XLVI., No. 98.]

[Feb. 18.]

21. Petition of William Righton of Bermuda to the King. Upon miscarriage of several of their petitions the inhabitants sent your petitioner over as bearer of a petition against the oppression of the pretended Company. On hearing the grievances of the said inhabitants your Majesty graciously ordered, on 14th November 1679, a *Quo warranto* to try the validity of the Company's charter. Josias Pitt, who came over with your petitioner, having occasion to return to Bermuda, took the said orders for the *Quo warranto* with him, and on his arrival was committed to prison, to his great damage and loss, by the Company's Deputy Governor, Sir John Heydon, for showing the said orders. Petitioner prays for a Royal order that satisfaction may be given to Josias Pitt for wrongful imprisonment. *Signed*, Will. Righton. 1 p. *Inscribed*, Recd. 18 Feb. 1680-81. [Col. Papers, Vol. XLVI., No. 99.]

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[Feb. 20.]

22. Petition of the Merchants and Freeholders of Bermuda to the King. The Bermudas were originally the property of the Somers' Islands Company, and the planters only their tenants, but your petitioners, by their labour and industry, have now long since become owners of their lands. The Company, besides the alienation of their lands, are now so few that their government is not practicable as directed by their charter, and indeed they have ceased to trade as a joint-stock company for fifty years. Yet the new pretended Company, contrary to the book of laws made by the true Company, imposes so many taxes and hardships, as is seen in the schedule annexed, that petitioners can no longer endure them. Petitioners complained five years since through their Assembly, by petition to your Majesty, but the Company concealed the petitions and gave orders that the Assembly should meet no more. Petitioners pray that a Governor may be sent, empowered to allow them such freedom of trade as is allowed by the Acts of Navigation, when they will cheerfully pay all duties and customs, fortify the Island, and maintain the Governor without expense to your Majesty. *Annoxed,*

22. I. "Abstract of the Planters' Articles against the Bermuda Company." A recapitulation of the charges examined by the Lords of Trade and Plantations in 1679 (*see previous volume, Nos. 990, 1052*). *Eighty-four signatures. Two parchment sheets. Endorsed, "Recd. 8 Feb. 1680-81."* [Col. Papers, Vol. XLVI., No. 100.]

Feb. 21.
Council
Chamber.

23. Journal of Lords of Trade and Plantations. The Bermuda Company, with several other persons concerned in the Islands, called in, and the petition, of the inhabitants read (*see No. 25*). Depositions of George Bond and Jonathan Francis also read. Their Lordships resolve on their report (*see No. 31*). [Col. Entry Bk., Vol. CVI., pp. 251-253.]

[Feb. 21.]

24. Deposition of George Bond and Jonathan Francis. George Bond of London, mariner, sworn, deposes:—About the 28th August 1680, I, being in Bermuda, went before the Deputy Governor, Sir John Heydon, who ordered me to enter into a bond of five hundred pounds not to carry any tobacco or other goods off the Island. I refused, telling him that I had already entered into a bond of a thousand pounds in the King's custom-house in London to bring such commodities of the growth of the Island as any merchant or planter might ship. On the 30th Sir J. Heydon again sent for me, with Jonathan Francis, commander of the ship Providence. He tendered us the bond, which we refused, telling him for the second time that we came on purpose to load tobacco for the port of London and there pay the King's duty for the same. He answered that we should not carry one pound off the Island, and ordered the Marshal to carry us both forthwith to prison, because we would not enter into the bond. About the 3rd September the said Sir J. Heydon sitting in Court with his Council summoned Josias Pitt before him, and told him he had broke

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his behaviour in reading some paper in the churches (which is the usual custom there for any public business). Pitt replied that it was the King's and Council's order with the King's seal to it, and taking it out of his pocket showed it them. Sir J. Heydon presently commanded the Marshal to take him away to prison, and told Pitt he must find security before he could be released. Captain William Peniston, a justice of the peace in the Council of the Island, being present in Council, remonstrated with Sir John after Pitt had been removed, and repeated the words, "King's and Council's order." Sir John replied that it ought to be burnt and not published. Captain Peniston replied that Sir John had sent Pitt to prison, and that he might burn the King's and Council's order if he dared. Peniston then declared that he would have the order read and published in his precincts, and then rose from the Bench, told the Governor he would be no more of his Court, and then came straight to the prison, where he told the story to Jonathan Francis, Josias Pitt, and myself. *Signed by George Bond and Jonathan Francis. Sworn before William Beversham, 21st February 1681. 1½ pp. Endorsed, "Read, 21 Feb. 1680-81. Read again in the Council, 26 Feb."* [Col. Papers, Vol. XLVI., No. 101, and Col. Entry Bk., Vol. XVII. pp. 86-89.]

[Feb. 21.] **25.** Petition of inhabitants of Bermuda to the King. The Bermuda Company of London still imposes on us unjust and arbitrary laws, dispossessing us of our lands and estates without legal process. On our complaint your Majesty was pleased to order your Attorney-General to bring the Company to trial by "Coranto" (*Quo warranto*). The Company, knowing the weakness of its cause, has procured by last ship that a petition should be made up in its favour, from which it has great hopes (*see No. 181*). But we trust that their petition, signed by a few officers, tenants, and servants, who were moved thereunto by hopes of preferment and continuance in places of profit, may not mislead your Majesty. We beg you to send us a Governor who may give us the benefit of laws and freedom of trade that is allowed to all other of your subjects. *Fifty-one signatures. Sheet. Endorsed, "Recd. 21 Feb. 1680-81."* [Col. Papers, Vol. XLVI., No. 102.]

Feb. 21. **26.** Instructions to Andrew Percivall from the Lords Proprietors of Carolina. You will make peace with the Westoes, on such terms that they shall not despise us, and yet find it advantageous. If they should hold off and slight a peace you are to get the Governor to send to the Cofitacquis, Esaus and all other nations, and make a league with them, so as to compel the Westoes to treat the sooner. In the treaty the articles will allow them to be supplied by us with necessaries by way of trade; but you are not to tie them to come to any Plantation of the English except Lord Shaftesbury's and Sir Peter Colleton's, which being populous and well fortified will be safe. The Westoes must be told that if they go to any other Plantation it will be treated as a breach of the peace, of which they must take the consequences; and that the same will happen if they injure any Indians that are under our protection. One copy of the

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treaty should be written in their language and signed by them. You are to deliver to Mr. Maurice Mathews one of the articles signed and sealed by us about trade, and communicate these instructions and ask his assistance in pursuing them, but you will conceal everything from Mr. Henry Woodward till peace is made with the Westoes; then you may deliver to him and to Mathews the cargo sent with you to be disposed of according to their contract. You will instruct the Governor and Council to correspond with us by all opportunities, and write also yourself. *Signed, Craven, Shaftesbury, P. Colleton. Subscribed,* This was not sent but altered. $1\frac{1}{2}$ pp. [Col. Entry Bk., Vol. XX., pp. 154-156.]

- Feb. 21. **27.** The Lords Proprietors of Carolina to the Governor and Council of Ashley River. By letters from divers persons sent from Carolina by Captain Strong we hear that you have had a war with the Westoes, but for what reason and with what particular success we are ignorant. We cannot but accuse you of great neglect in not informing us by the same conveyance, that we might have given the necessary orders. If friendship had been preserved with the Westoes it would have kept all the neighbouring Indians from daring to offend you, and if you had protected these from the Westoes, that protection would have made them love as well as fear you. This consideration has been our main inducement to try to hold a fair correspondence with the Westoes, by making ourselves useful to them by trade. Peace is the interest of the planters, that your people may return quietly and without fear to their business. We desire you to make peace with the Westoes as soon as you can upon safe and honourable terms. We have discoursed our opinions with Mr. Percivall, and given him directions upon the various conjectures we have had of the cause and success of this war, which he will communicate to you for your guidance. We desire that you will be more punctual in reporting affairs in future, and that you cause the Secretary to send us from time to time lists of all the people that come to plant and inhabit with you, and from whence they come, also a list of ships that come to you, with their burden and port of departure. We hope that you give all possible encouragement to the building of Charlestown at the Oyster point, as we formerly directed you. A town of considerable population will do much for trade and security. *Signed, Craven, Albemarle, Shaftesbury, P. Colleton. Subscribed,* Not sent, but altered. 1 p. [Col. Entry Bk., Vol. XX., p. 153.]

- Feb. 23. **28.** Order of the King in Council. On reading the petition of Thomas Henshaw and the rest of the creditors of James, late Earl of Carlisle, ordered that it be referred to the Board of Trade and Plantations for consideration and report. *Signed, John Nicholas Annexed,*

28. i. The petition referred to, to the King, showing as follows. The island of Barbados and the Caribbee Islands were granted in fee by King Charles I. in 1628 to James, Earl of Carlisle, who soon after settled the same by deed in

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trust for payment of debts. By decree in Chancery of 7th January 1645, the Islands, in pursuance of this settlement, were decreed to the creditors of the said Earl liable to the payment of 37,074*l.* 4*s.* 6*d.* After the decease of the Earl his son James, for better security of the creditors, made a lease for twenty-one years, dated 29th September 1647, of one moiety of the profits for the payment of certain specified debts, and made a second lease of the same term, to commence at the expiration of the first, dated 30th December 1649. On the Restoration the King entered into treaty with the petitioners for re-assuring the Island into his own possession, and on 13th June 1663, agreed, by the advice of the Board of Trade and Plantations, to pay them 24,716*l.* 16*s.* for the whole of their interest in Barbados, which sum was but two-thirds of their debt; and one moiety of the profits of Barbados was ordered to be set apart for the payment thereof. The creditors were empowered to receive those profits by their own agents; and to that end a letter, dated 19th April 1665, was written to Lord Willoughby of Parham, then the King's Lieutenant in the Island. Nevertheless, neither petitioner nor any other creditors have received one penny of those profits in satisfaction of their just debt. The profits were for years let for 7,800*l.* a year, and are now let at 5,300*l.*, and the King either has or ought to have received out of the whole profits, since the agreement was made, nearly 100,000*l.* As the creditors have never yet derived the least benefit from the Order in Council of 13th June 1663, they pray that it may now be put in effect for their benefit.

28. II. Copy of the said Order in Council of 13th June 1663, showing the apportionment of the moiety set apart for creditors. *Certified by John Nicholas.*

The Petition is endorsed: "Recd. 1 March 1680/81. Read again 21 July 1682. This business is appointed to be heard this afternoon at three of the clock. My Lord President directs notice to be given to the Lords Commissioners of the Treasury of this business and meeting." [Col. Papers, Vol. XLVI., Nos. 103, 103 I., II.; and (Order in Council only) Col. Entry Bk., Vol. VII., p. 130.]

Feb. 24.
Plantations
General.

29. Lords of Trade and Plantations to the King. In obedience to your commands, we have prepared the draft of a Charter, constituting William Penn absolute proprietary of a tract of land in America therein named, for your approbation. *Draft by William Blathwayt. 1 p. [Col. Papers, Vol. XLVI., No. 104, and Col. Entry Bk., Vol. XCVII., p. 130.]*

Feb. 24.
Council
Chamber.

30. Journal of Lords of Trade and Plantations. Draft of Mr. Penn's Patent read, and there being a blank left for the name, agreed to leave the nomination to the King. The Bishop of London

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is requested to draft a law to be passed for the settling of the Protestant religion in this country. [Col. Entry Bk., Vol. CVI., p. 253.]

Feb. 25.
Whitehall.

31. Order of the King in Council. Report of the Lords of Trade and Plantations. Pursuant to Order in Council of 16th instant, we have considered the petition of freeholders of Bermuda, and have been attended by the Somers' Islands Company, as also by several other persons who formerly prosecuted the complaint against it. We have also read the depositions of George Bond and Jonathan Francis (see No. 24). We cannot but represent this behaviour of Sir John Heydon, which is also disowned by the Company, as a great contempt of your Majesty's authority. We therefore recommend that he be ordered forthwith to return to England to answer the charges of Bond and Francis; also that Josias Pitt be released from prison, if it be true that he is confined for no other reason than for publishing your Royal order. The Company has represented to us the confusion that has fallen on the Somers' Islands through the knowledge of the inhabitants that you have directed a prosecution against their Charter by a *Quo warranto*; the people, upon presumption that you have withdrawn your countenance and protection from the Company, refusing to pay the duties and obey the laws to which they are liable by the rules of the Charter; and we therefore recommend that in the same declaration you order the inhabitants to continue obedient to the Company, and submit to the powers granted by the Charter until the pending trial be determined. *Signed*, Ailesbury, Chesterfield, L. Jenkins, H. London. Radnor. Dated 21st February 1681. Order in Council accordingly. [Col. Entry Bk., Vol. XVII., pp. 89-92.]

Feb. 28. **32.** Draft of the Charter granting Pennsylvania to William Penn. This draft covers nine large sheets. It is without punctuation, and not divided into the twenty-three sections with which it appears at the head of the laws of Pennsylvania (e.g., in the folio edition, printed at Philadelphia, 1772). The date, too, as printed, is the 4th March 1681. The draft is certified, "Agrees with the record and is examined by me." *Signed*, Henry Rooke, Clerk of the Chapel of the Rolls. [Col. Papers, Vol. XLVI, No. 105.]

[Feb. 28.] **33.** Instructions from the Proprietors of Carolina to Captain Henry Wilkinson, Governor of that part of the Province which lies five miles south of the river of Pemptico and from thence to Virginia. These are identical with those issued to Governor Harvey on 5th February 1679 (see previous volume, No. 879), with the substitution of Lord Craven's name for Sir George Carteret's as Palatine. The names of localities are not even altered. At the close are the following additional articles: (1.) Complaint has been made to us that divers persons have been dispossessed by violence of estates and goods during the late disorders in Albemarle. Men who have taken part in the quarrel cannot be so impartial as one who has had no hand in it. You will therefore repair thither as soon after your arrival as convenient, and choose, with the consent of the Council, four

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able judicious men who have taken no part in the disorders, who with yourself shall be a Court to decide all disputes that have arisen from them. Residents in the county must bring their suits before the Court within six months of its erection, and residents outside the county within two years. (2.) If you leave the province you will appoint a deputy with the consent of the majority of your Council until your return. If you should die, the Council for the time being shall at once be summoned to meet by the eldest of our deputies, or in case he fail by the next. The Council being met shall choose a Governor, who shall to all intents be as if commissioned by ourselves until our pleasure be known. (3.) You are to take notice that it does not appear to us that Sir William Berkeley during his lifetime conveyed his property to any person, for want of which it is devolved. As he did not pay a penny towards the settlement of our province, we do not think fit to admit his heirs or executors to have anything to do in Carolina as proprietors, until they have proved their right thereto. You will therefore admit no deputy from them. (4.) You will take particular care that the bounds between Virginia and Carolina be adjusted according to our Patent. *Signed*, Craven, Shaftesbury, P. Colleton. *Postscript*.—Since the Lords set their hands hereto, they ordered me to insert the following particular:—You will be sure, as soon as you can, to send home a map of the country mended by your own or friends' experience; also, that you inquire into the damages of the King's officers, that there may be a summary way of giving them satisfaction." *Signed*, Samuel Wilson, by order of the Lords Proprietors. *The whole, 6 pp. The additional instructions, 1½ pp. [Col. Entry Bk., Vol. XX., p. 156.]*

Feb. 28.

34. Minutes of a meeting of the Proprietors of Carolina at Thanet House. Present: the Earls of Craven and Shaftesbury, Sir Peter Colleton, Mr. Archdall. The instructions to Captain Wilkinson were read and agreed on (*see last abstract*). Ordered, That he have blank deputations from all the Lords with him, and that the following be added to his instructions, viz., that if any that are at present deputies will contribute to the settling the country and have not been concerned in the late disorders they shall be continued. *Here follow two forms of the deputations used, dated 4th March 1681. 2½ pp. [Col. Entry Bk., Vol. XX., pp. 162–164.]*

March 7.

35. Minutes of Council of Barbados. Present: his Excellency, Sir Richard Dutton, knight, Henry Walrond, Samuel Newton, Thomas Wardall, John Witham, John Peers, Richard Howell, Edwyn Stede, Thomas Walrond, Francis Bond. Read, his Excellency's Commission as Governor and Commander-in-Chief, a certificate from the Council Board that he had taken the oaths of allegiance and supremacy, also the oath as Governor and the oaths appointed in the Acts of Trade and Navigation. His Excellency thereupon took over the Government, and administered the oaths of allegiance and supremacy to the Council (all members being present except Sir Peter Colleton, Bart., and Colonel Henry Drax)

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and the usual oath of a Councillor. Each member having then signed the test took his seat at the Council. Ordered, That a Proclamation be issued declaring the King's appointment of Sir Richard Dutton to be Governor, and empowering all officers, civil and military, to continue in the execution of their duty till further order. The Hon. Henry Walrond produced letters from gentlemen in England, having an interest in the Island, relating to its security, which were read and entered. His Excellency communicated the King's proposals respecting the four and a half per cent. duty, and his power to impart his instructions to the Council at discretion. [Col. Entry Bk., Vol. XI., pp. 327-328.]

March 7.
Barbados.

36. The Council of Barbados to Lords of Trade and Plantations. The want of conveyances prevented our returning the last three months' transactions here before the Governor and Council. We have little to lay before you now, but we thought it best to transmit all that was done to the end of Sir Jonathan Atkin's Government, though the period exceeds three months, and begin our next account of affairs from the arrival of Sir Richard Dutton, our present Governor. We send a list of ships entered here, and of goods imported in them, and three Orders in Council, which is all that we have at present to give. *Original. Signed,* J. Atkins, Richard Howell, Benjamin Knight, Samuel Newton, John Peers, Edwyn Stede, Henry Walrond, Thomas Walrond, John Witham. 1 p. *Endorsed:* "Recd. 4th June 1681." [Col. Papers, Vol. XLVI., No. 106, and Col. Entry Bk., Vol. VII., p. 56.]

March 7.

37. Lords Proprietors of Carolina to the Governor and Council of Ashley River. We have heard by divers letters of others from Carolina of a war you have had with the Westoes, but having no information from yourselves are left to conjecture whether the war was necessary for the preservation of the Colony or simply to serve the ends of individual traders. In the former case we approve it; in the latter we cannot but take it extremely ill that the whole Colony should have been disturbed and endangered to promote the advantage of particular persons. We require you therefore to send us by next conveyance the depositions of the persons as to the matter of fact on which this war was grounded; also the certificate of the interpreters that they have truly interpreted them; also a certified copy of Dr. Woodward's letter, saying that, if trade were not permitted to the Westoes, they would cut all your throats; also the letter from the Spanish Governor of St. Augustine's, wherein he complains that the doctor tried to set the Chichinecas and other tribes at war with the Spaniard, and that if this be not remedied he will apply himself to war also. All these depositions are to be taken publicly, and if any man be charged with a particular action he may take depositions for his vindication. Our trade with the Westoes so far has not been merely out of a design for gain, but with this further object, that by furnishing a bold and warlike nation with arms, ammunition, and other things useful to them, which they could not fetch from other Colonies without great labour and hazard, we should tie them to so strict a dependence on

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us as to keep all other nations in awe. By protecting our neighbours also from their injuries, we should make them think our settlement near them a blessing, and by them we should so terrify these Indians, with whom the Spaniards have power, that they would never be persuaded by them to play that trick with us, which by their Government's letters they seem to apprehend we were persuading the Chichinecas to play with them, and which, as we are informed, has been their usual practice. We therefore desire you seriously to consider whether it will not be extremely useful for the peace and profit of the Colony to set up some other nation in place of the Westoes (whom we deemed ruined); some nation whose Government is less anarchical than theirs, which should be furnished with weapons by us, though under prohibition to furnish them to other nations, and thus, owing their strength to us, will depend on us for the continuation thereof by supply of ammunition. This would keep your neighbours the more strictly united to you, and deter the Northern and Spanish Indians from daring to infest you. These Indians, again, being by us exalted over their neighbours, will never be able to abstain from insulting over them, and will thus draw on themselves their hatred. If, therefore, the nation that we shall have set up should misbehave, we shall be able to ruin them by cutting off the supply of ammunition and setting their neighbours at them by a show of invasion. If all that we hear of Dr. Woodward's deportment be true, we can by no means excuse him; but must leave him to the law, to be so dealt with for the future safety of the Colony as the law will permit. We are extremely well pleased to hear that there are already upwards of twenty houses built at Charlestown on the Oyster point, ten more building, and warrants granted for the building of eighteen more, all of which must be built in three months. The allowance that we gave of two years to build was a confinement upon yourselves that you should not have power to grant long time; but if you can oblige people to build in a shorter time you will please us much better, for the town will be the sooner built. As to the dimensions that we presented, of thirty foot long, sixteen wide, and two and a half stories high, we meant them to apply only to those houses that men, who have already one town-lot and have built thereon, shall build on other lots to let as tenements. Our object was to prevent men from taking up lots and building hovels on them, and thus keeping others from building good houses, fit for the receipt of good families, which is what we want. Many people are going to you from hence. We desire you in future to be punctual in your correspondence with us, and to supply us with lists of shipping and of immigrants, and with detailed accounts of the progress of building in Charlestown. *Signed,* Craven, Shaftesbury, P. Colleton. 3 pp. *Subscribed,* A copy of this letter was sent by Captain Chambers on the 2nd April. [Col. Entry Bk., Vol. XX., pp. 165-168.]

March 9.
Council
Chamber.

38. Lords of Trade and Plantations to the King. We have received from Sir Jonathan Atkins a letter dated 26th October last (*see previous volume, No. 1558*), reporting a vacancy in the Council

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through the death of Colonel John Stanfast, and recommending his appointment of Mr. Benjamin Knight for confirmation. We had asked his opinion whether Mr. Francis Bond or Mr. Alexander Riddocke were fitter for the employment, and he answers Mr. Riddocke. Your Majesty has already, in Sir Richard Dutton's commission, nominated Mr. Francis Bond in place of Mr. Knight; there is now another vacancy, to which your Majesty's nomination is required. 1 p. [Col. Entry Book, Vol. VII., p. 101.]

March 9.

39. Instructions to Andrew Percivall and Maurice Mathews from the Proprietors of Carolina. We desire you as soon as you can to establish a beaver trade with the Indians, and if you cannot safely do so with the Westoes, you shall do it with the Chitiah, Savanaes, Cocetanes, or any others. You will endeavour with all your skill to have the trade restrained by Act of Parliament there for as many years as you can to us only, in order to avoid quarrels with the Indians. If you find you can safely trade with the Westoes through a peace with them, you will endeavour, by the treaty of peace, to make the old men security for the good behaviour of the young men. And that they may be the better able to restrain the young men, you will endeavour to get the Government to make it their business to support the authority of the old men. There must be an article, too, forbidding the Westoes, under penalty of a breach of the peace, to go to any plantation but St. Giles or Mepken, and a similar article should be inserted in the treaty with any other nation about the beaver trade. Immediately on your arrival you will take an account of the stock of English goods sent out by us that remains undisposed of by Dr. Woodward, also an account of all skins, furs, &c., which accounts shall be signed by Dr. Woodward and sent to us. You will also give us full accounts of the trade as managed in your absence, and send home the furs and skins obtained by Dr. Woodward. You will report to us the progress of your negotiations. *Signed, Shaftesbury, P. Colleton.* 1½ pp. [Col. Entry Bk., Vol. XX, pp. 164, 165.]

[March 9.]

40. Petition of Francis Mingham to the King and Privy Council. Thanks them for their interference on his behalf with the Admiralty Court in Jamaica. Begs appointment of whom His Majesty will to hear his cause, both in respect of the condemnation and sale of his ship and of the proceedings taken against him for appealing to the Board of Trade and Plantations. *Inscribed, Read in Council, 9 March 1681.* 1 p. [Col. Papers, Vol. XLVI., No. 107.]

March 10.
Treasury
Chamber.

41. Henry Guy, Secretary to the Treasury, to William Blathwayt. Transmitting a letter for consideration of Lords of Trade and Plantations. *Inscribed and endorsed, "Reference of Mr. Martin's letter of 10 Nov. last."* ½ p. [Col. Papers, Vol. XLVI., No. 108.]

March 10.
Barbados.

42. Return of imports and of shipping from 10th December 1680 to 10th March 1681. Two large sheets. [Col. Entry Bk., Vol. X., Nos. 7 and 8.]

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[March 10.] **43.** Articles of Treaty and Neutrality between the French and English nations "situate in America between the two tropics." Nine Articles in parallel columns, English-Latin. *Inscribed, Read 10 March 1680-81. [Col. Papers, Vol. XLVI., No. 109, and Col. Entry Bk., Vol. XLVI., p. 368.]*

March 11. **44.** Order of the King in Council. Report of the Lords of Trade and Plantations. We have considered Sir William Stapleton's letter of 2nd January (*ante, No. 1*) reporting that Count de Blenac has received ample powers to include Barbados and Jamaica in the Treaty of Neutrality. We have also received the project formerly settled by this Committee to the same effect, with what formerly passed between Monsieur Barillon and your Majesty's Commissioners thereupon. We would point out that, though it was proper for Sir William Stapleton to negotiate a treaty in respect of the Islands under his government, yet it is now proposed to include territories outside that government, and that your Commissioners have already proceeded so far as to offer a project to the French Ambassador, who has made no objection to it. We think it more expedient therefore that the treaty should be negotiated in this place, and that, in order thereunto, the French Ambassador should be informed of the contents of Sir William Stapleton's letter, and of your Majesty's readiness to proceed to further negotiation of the treaty. *Signed, Clarendon, Conway, Craven, J. Ernle, L. Jenkins. Dated 9th March 1680. 2½ pp. Endorsed in Sir L. Jenkins's hand, "Dd. me 7 April 1681."*

Ordered in Council, That Mr. Secretary Jenkins approach the French Ambassador accordingly. [*Col. Papers, Vol. XLVI., No. 110, and Col. Entry Bk., Vol. XLVI., pp. 458-460.*]

March 11. **45.** Order of the King in Council. Referring the petition of Edward Randolph to Lords of Trade and Plantations for their report. *Signed, Philip Lloyd. ½ p. Inscribed, Read at Committee, 9th April 1680. Annexed,*

45. I. Petition of Edward Randolph to the King. Petitioner being the King's Collector of Customs made several seizures in New England during the year 1680, and prosecuted the same in the Courts of the Colonies. Though ample proof was adduced, the juries, against all law and evidence, continually gave damages against your Majesty. There being no Courts of Appeal in the Plantations, petitioner appealed to the King in Council, and moved that security should be taken of the defendants for their appearance, but was opposed by Mr. Danforth, who alleged that it was an infringement of liberties granted by charter. Petitioner prays for a trial of the cases before your Majesty in Council, for an examination of his articles against Danforth, and for the trial of Danforth thereon. *Inscribed, Read in Council, 11 March 1680, at Committee 9 April 1680. Annexed,*

45. II. Articles of high misdemeanour exhibited against Thomas Danforth, Deputy Governor of Massachusetts and pretended

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President of the Province of Maine, by Edward Randolph, Collector of Customs there. 1. That Danforth in June last declared in open court in Boston that the Laws of Trade and Navigation and the powers of the Commissioners of Customs were not valid in that Colony. 2. That in divers trials, upon seizures made by Edward Randolph in the King's name, he refused to admit appeals to the King in Council. 3. That he would not suffer Randolph to prosecute any seizures in the King's name till 10*l.* was deposited to defray Court charges in Boston, and afterwards procured an order to that effect, contrary to the laws of England. 4. That he usurped the government of Maine, introducing the law of Massachusetts contrary to the charter granted to Sir Ferdinando Gorges, and imprisoned one of the inhabitants because he protested against his proceedings, in common with all the loyal party; Danforth having produced no Royal authority for his governing in that province. 5. That he, as President of Maine, arbitrarily compelled Edward Randolph to deposit 10*l.* at a Court at York to defray the costs of Court before he would proceed to trial, no law or usage of the Province directing him thereto. 6. That, in company with Samuel Noel, Mr. Saltonstall, and Mr. Gidney, magistrates, and a company of pressed soldiers (many of whom were actually in the King's service) he in August last entered Maine, and erected a fort under pretext of defending the same, but in reality to secure the province for themselves. 7. That, going by sea with these magistrates from Boston to Maine, he carried the King's flag at the maintop, fired at a vessel from Virginia, and compelled her to strike. As the evidence to these articles designs shortly to return to New England, a speedy hearing is begged. 1 *p.* *Inscribed,* Read in Council, 11 Mar. 1680. Read at Committee, Ap. 9, 1680. [Col. Papers, Vol. XLVI., Nos. 111, 111 I., II.]

March 11. 46. Royal warrant directed to Sir Richard Dutton for the admission of John Byndloss and Simon Winslow, or their deputies, to the offices of Chief Clerk, Register, and sole Examiner of the Court of Chancery in Barbados, and Clerk of the Crown and Peace, which have been granted them by patent. *Signed,* Conway. 2 *pp.* [Col. Entry Bk., Vol. XCIII., p. 163.]

March 11. 47. Royal warrant to the same for the admission of Alexander Riddocke to the Council of Barbados. *Signed,* Conway. [Col. Entry Bk., Vol. XCIII., p. 163a, and Vol. VII., p. 151.]

March 11. 48. Minutes of Council of Barbados. Ordered, That the executors of Colonel William Bate and Lieutenant-Colonel John Codrington, late and present keepers of the magazine, bring an account of the stores of arms and ammunition, of their disposal, and the additions thereto, on the 30th March. Ordered, That the

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writs for an election of an Assembly be issued, to be published on three Sundays, whereof next Sunday to be one, so that the elections may be held on the 28th instant; that the members of the Council meet on Easterday next at St. Michael's Church, there to receive the sacrament according to law established; that the Committee in charge of the fortifications of St. Michael's take care that the injuries done to Charles Fort by the wash of the sea be forthwith repaired; that the judges be summoned to attend the Governor on Thursday next at 2 p.m.; that blank commissions be drawn up for them against that day. Adjourned to 22nd. [Col. Entry Bk., Vol. XI., pp. 329, 330.]

March 12.
Council Chamber.

49. Lords of Trade and Plantations to Sir William Stapleton. We have received yours of 7th February, 1st April, 18th May, 27th July, 10th August, 26th October, and 15th November 1680. We have particularly considered yours of 2nd January last (*ante*, No. 1), respecting a treaty of neutrality with the French in the West Indies, and have made the enclosed report (*see ante*, No. 44) thereon. This the King has been pleased to approve and to give all necessary orders therein, so you may expect to hear by next conveyance how the French seemed inclined in Europe to what they have proposed in America. We cannot but point out to you that we have been long awaiting the Acts of the Leeward Islands, particularly those now in force, which ought to be of later date than those which you have transmitted to us from Antigua. Your Commission limits the duration of Acts to two years unless confirmed by the King, and we have only received some of the Acts of Nevis, which are now under examination. As regards your suggested exchange of St. Christophers, we send you copy of our letter of 12th March 1680 (*see previous volume*, No. 1324). We have been informed for some time past that the ministers sent by the Bishop of London to the Leeward Islands have not been so well used there as they ought, especially in Montserrat. We commend them to your care, that they may have no further ground of complaint. *Signed*, Bath, Conway, Craven, J. Ernle, L. Hyde, L. Jenkins. 1½ pp. [Col. Entry Bk., Vol. XLVI., pp. 456, 457.]

March 12.
Council Chamber.

50. Lords of Trade and Plantations to the Secretary of the Leeward Islands. We have great reason to complain of your omission to fulfil the orders of our Circular of 14th January 1680 (*previous volume*, No. 1262) by sending us quarterly accounts of all matters in your office. We shall represent the matter to the King unless it be amended. You will also send us transcripts of all the Council Books. *Signed*, Bath, Conway, Craven, J. Ernle, L. Hyde, L. Jenkins. 1 p. [Col. Entry Bk., Vol. XLVI., p. 458.]

March 16.
St. Jago de la
Vega.

51. Sir Henry Morgan to Lords of Trade and Plantations. Nothing remarkable has happened since my letter of 1st February. The interloping ships trading for negroes contrary to the Charter of the Royal African Company, have been too successful in this Island, four of them having in some fourteen days (His Majesty's frigate being at sea) landed their negroes both to windward and

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leeward of Port Royal. The factors here had not the least warning whereby to make a timely seizure, before they landed them and dispersed them marked in several plantations. On Tuesday, 14th, the privateers (*see ante*, No. 16) were tried by a special Commission of oyer and terminer in the Court of Admiralty, when they were convicted of piracy and sentenced to die. But after deliberation, and reflection that the General Assembly was to meet on the 18th following, I thought it not fit to post them to execution lest it should scare all others abroad from returning to their allegiance. I have already asked for the King's instructions herein, and have suspended the execution in the hope of receiving them within a reasonable time. The members elected to the General Assembly are, for the most part, very loyal and good gentlemen, from whom I have hopes of accommodating former differences. *Inscribed*, Rec. 4 June 1681, per Capt. Ed. Hill, Commander of the ship Charles. Read 14 June. [Col. Entry Bk., Vol. XXIX., pp. 475, 476, and Col. Papers, Vol. XLVI., No. 112.]

March 21.
St. Jago de la
Vega.

52. Rowland Powell, Secretary of Jamaica, to Lords of Trade and Plantations. Nothing has happened since Sir Henry Morgan's letter of 16th, except the meeting of the Assembly on the 18th, when the Speaker made the enclosed address to the Governor. They seem to promise fairly an accommodation of former differences, but I fear they will not be induced to pass the Revenue Bill perpetual. $\frac{1}{2}$ p. *Enclosure wanting.* *Inscribed*, Rec. June 7, 1681. [Col. Papers, Vol. XLVI., No. 113.]

March 22. **53.** Minutes of Council of Barbados. Ordered, on the motion of Mr. Ralph Fretwell that Solomon Eccles, committed to the custody of the Provost Marshal for blasphemy, be admitted to give bail, and that, on finding bail for himself in 1,000*l.* and two sureties, each in 500*l.* to appear at the next grand sessions, he be discharged from confinement. Henry Walrond, Henry Quintine, Edward Littleton, John Reid, and Alexander Riddocke, judges of the five precincts, signed the test, took the oaths of allegiance and of office, and received their commissions. The Secretary ordered to furnish the Lords of Trade and Plantations with copies of the transactions of the past quarter. Adjourned to 29th instant. [Col. Entry Bk., Vol. XI., pp. 330, 331.]

March 26. **54.** Lords Proprietors of Carolina to the Governor and Council of Ashley River. The bearer, a very worthy gentleman and friend of ours, sails with Captain Chambers direct for Ashley River, Carolina, with his wife and family, intending to settle among you. He has given us assurance that in five years' time from 20th May next to the date hereof, he will bring over to his plantation over forty able persons; and we have therefore thought fit, at his request, to grant him and his heirs for ever a manor of three thousand acres of land, together with the rights and privileges laid down in our constitutions for such lords of manors. But if he shall fail to comply with the agreement to bring over as many persons

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as prescribed in our letter of 19th May 1679 (*see previous volume, No. 992*), then it is not to be a manor, and you are at liberty to grant to others so much of the land, taking it proportionately, fronting to the river, as after the rate of seventy acres a person he shall have failed to bring of the number engaged. *Signed,* Shaftesbury, P. Colleton, John Archedale. *The name of the person in whose favour this letter was written is erased. Underwritten,* That the same was written in favour of George Warburton, Esq., and, on 10th April, of Paul Grimbale, merchant. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. XX., p. 169.]

- March 26. 55. Commission from Sir Peter Colleton to Robert Wilkinson, appointing him, as is the right of the High Steward of Carolina, Surveyor of the northern part of that province. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. XX., p. 170.]
- March 26. 56. Blank Commission for the appointment of the Lords Proprietors' deputies in Parliament at Carolina.
Lord Shaftesbury appointed Robert Wilkinson his deputy. John Archdale appointed Daniel Akehurst his deputy. [Col. Entry Bk., Vol. XX., p. 171.]
- March 29. 57. Minutes of Council of Barbados. The several members of Assembly were returned and presented. Mr. Waterman, member for St. Joseph's, refused to take the oaths of allegiance and supremacy; Mr. James Carter was absent through sickness; the other gentleman took the oaths. The Assembly acquainted the Governor that they had chosen Colonel Guy to be their Speaker, and his Excellency delivered to them his speech.
- March 30. Ordered, That a former order to ascertain the bounds of the parishes be revived. This day Major John Waterman, who had been suspended from sitting in the Assembly till he should take the oaths, tendered himself ready upon consideration to take them, and was admitted to the Assembly. Ordered, That the executors of the late William Bate prepare an account of all arms and ammunition received by him from the arrival of Sir Jonathan Atkins to the death of the said William Bate. The Assembly presented its address in reply to the Governor's speech (*see post No. 59*). The Council recommends to the Assembly a law to commute debts due to the country into money.
- March 31. The Assembly presented two Bills and two petitions against the Jews (*see under June 9*). The Bills for levy of money and labourers for the forts were twice read and committed to Mr. Howell, Mr. Stede, Mr. Thomas Walrond, and Mr. Bond for amendment. The Assembly presented an order for defraying expenses of Sir R. Dutton's reception, which was passed, and a Bill for a Committee of Accounts. This last being read and found not full enough, Mr. Stede was ordered to draw up a Bill to be added to a similar Bill of 1678. Adjourned to 7th April. *Mem.*—The Council met and took the sacrament on Easterday as appointed. [Col. Entry Bk., Vol. XI., p. 332-339.]

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March 29.

58. Minutes of Assembly of Barbados. Writs having been issued by Sir Richard Dutton, Governor, the following members were elected:—

Colonel Richard Guy	}	St. Michael's.
Lieutenant-Colonel John Codrington		
Colonel Richard Baily	}	St. Peter's.
Mr. Richard Morgan		
John Davies, Esq.	}	St. Thomas.
Lieutenant-Colonel James Carter		
Major-General Christopher Codrington	}	St. John's.
Mr. John Hethersell		
Richard Seawell, Esq.	}	Christchurch.
Major Richard Williams		
Captain Thomas Maycock	}	St. Lucy's.
Captain Michael Terwill		
Edward Littleton, Esq.	}	St. James.
James Walwyn, Esq.		
Richard Pococke, Esq.	}	St. Philip's.
Captain Thomas Spire		
Major John Merricke	}	St. Andrew's.
Captain John Gibbes		
Samuel Husbands, Esq.	}	St. George's.
Major Rowland Bulkeley		
William Sharpe, Esq.	}	St. Joseph's.
Major John Waterman		

The House met at the house of Mr. Edward Sinclair in St. Michael's town. Colonel Richard Guy elected Speaker and presented to his Excellency. Adjourned to the morrow morning at eight o'clock.

March 30.

John Higinbotham appointed clerk, and John Forbes, marshal, who were sworn in by Mr. Edwyn Stede. Rules of debate, in twenty-seven articles, passed. Sir Richard Dutton's Commission read and recorded. His Excellency made a speech to the House. Address in reply voted (*see next abstract*). Ordered, That General Christopher Codrington, Edward Littleton, William Sharpe, Samuel Husbands, and Richard Seawell be a Committee to treat and agree for a convenient habitation for his Excellency. Ordered that a Bill be prepared to provide labourers for the fortification. Adjourned till next day. [Col. Entry Bk., Vol. XIII., pp. 405-423.]

March 30.

59. Sir Richard Dutton's speech to the Assembly of Barbados. The King my master has ever been very gracious and propitious to me, but never so eminently as when he placed in my hands that inestimable jewel, the government of this Island. I hope he believes that all the treasures of the Indies can never tempt me to do an act that will merit his displeasure. I desire to keep unspotted while I live, but my endeavours must be insipid and ineffectual unless timely and vigorously seconded by your hands and your hearts. I therefore resolved to lose no time in convening you to consider of the best and safest means to secure your own great concerns and those of your posterities. To this end the following

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measures are essential :—(1) The removal of your magazine to a position not only safer but more central ; (2) Repair and completion of your fortifications ; (3) The new forming of your militia ; (4) The filling of your coffers, which is the soul politic in every government ; (5) I must recommend to you the King's gracious intimation of his readiness to commute the four and a half per cent. duty for any equivalent imposition. If you will think of any expedient for raising this equivalent I will forthwith report to His Majesty ; (6) I earnestly advise you to consider a law more strictly obliging planters to keep as many white servants as the present law prescribes ; Also (7) a law providing that no residents, except councillors and judges, shall be exempt from service as jurors ; Also (8) a Bill to restrain bad masters and overseers from cruelty to their Christian servants, and to propose an expedient for the conversion of negroes to the Christian faith ; Also (9) the raising of stocks and building of public workhouses for the employment of the poor and of vagrants ; And (10) I would leave it to your consideration whether it may not be well to remedy the present difficulties in recovering just debts.

Answer of the Assembly to Sir Richard Dutton's speech.—We are very sensible of your great care, prudence, and goodness. As regards proposals 1 and 2, we shall cheerfully comply ; we shall be ready to consider how to meet your wishes proposed in heads 3, 4, and 5 ; and we will appoint a committee to provide for heads 6 and 7. As to head 8, we are ready to do anything for the encouragement and good usage of Christian servants, but as to making the negroes Christians, their savage brutishness renders them wholly incapable. Many have endeavoured it without success. If a good expedient could be found, the Assembly and people would be ready to promote it. We are ready to make provision for your wishes in heads 9 and 10. 3 pp. [Col. Entry Bks., Vol. VII., pp. 59–62, and Vol. XIII., pp. 418–422.]

March 31. **60.** Journal of Assembly of Barbados. Bill for further supply of labourers for fortifications read and passed. Message from the Governor and Council recommending the commutation of all debts due to the country in money at the rate of ten shillings per hundred pounds of sugar, provided they be paid by the last day of May next. Agreed that the same be provided for in a Bill. Bill appointing a committee of public accounts read and passed. Ordered, That John Hallett, treasurer, pay out of the old levies of public accounts 42*l.* 15*s.* 4*d.* to Benjamin Dwight for expenses of his Excellency's reception. Adjourned to Thursday, 7th April. [Col. Entry Bk., Vol. XIII., p. 423–425.]

March. **61.** List of quarterly accounts received from Barbados, first quarter of 1681. Orders of Council, 17th March 1681. Return of imports, 10th December 1680 to 10th March 1681. [Col. Entry Bk., Vol. VII., p. 56.]

April 2.
Whitehall. **62.** The King to Lord Baltimore. By Letters Patent bearing date 4th March last we have granted to William Penn, from regard

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to the merits and services of his father Sir William Penn, a tract of land in America called Pennsylvania. [Boundaries described]. And that all due encouragement may be given to William Penn in the settlement of the plantation within the said country, we recommend his deputies and officers to your friendly aid. And to this end we think fit that you order with all convenient speed some person or persons to meet the agents of William Penn to define the boundaries of Maryland and Pennsylvania, according to our letters patent. *Signed, Conway.* [Col. Entry Bks., Vol. LII., pp. 83, 84, and 86, 87, and Vol. XCIII., p. 4a.]

April 2.

63. The King's declaration, setting forth that he has granted a tract of land called "Pensilvania" to William Penn by Letters Patent of 4th March, and calling upon all inhabitants and settlers of that province to obey him as Proprietor. Addressed to the "Inhabitants and Planters" of Pensilvania. 1½ pp. [Col. Entry Bk., Vol. XCIII., p. 164.]

April 4.
Edinburgh.

64. [Sir John Werden] to John Lewin. Enclosing a warrant to aid him in his enquiry at New York. [Col. Entry Bk., Vol. LXX., p. 35.]

April 6.
Whitehall.

65. Order of the King in Council. The petition of Francis Mingham (*ante*, No. 40) to be referred to the Lords of Trade and Plantations for their report. ½ p. *Inscribed*, Read 12 April 1681. [Col. Papers, Vol. XLVI., No. 114, and Col. Entry Bk., Vol. XXIX., p. 460.]

April 6.

66. Memorandum of the foregoing Order in Council by the Clerk, Francis Gwyn. *Scrap.* [Col. Papers, Vol. XLVI., No. 115.]

April 6.

67. Petition of Edward Yeomans, Provost Marshal of Jamaica, to the King. Showing that though there is no prison in Jamaica the petitioner is liable for all escapes; that he was forced to build a room for Francis Mingham and hire guards at extraordinary trouble and expense; that though he might have exacted his charges and fees for Mingham, yet in dutiful obedience to the King's order he released him at once, without receiving any satisfaction; and that he therefore begs the King and Council, on hearing Mingham's case, to order his fees to be paid. *Inscribed*, Rec. 6 April 1681. Read 12 April 1682. *In Entry Book* is a memorandum that the petition was referred to the Lords of Trade and Plantations. 1 p. [Col. Papers, Vol. XLVI., No. 116, and Col. Entry Bk., Vol. XXIX., p. 461.]

[April 6.]

68. Petition of Edward Randolph to the King. Petitioner recounts his difficulties in the law-courts of Massachusetts over his attempts to enforce the Laws of Trade and Navigation. Over and above these delinquencies, Massachusetts has omitted to send over agents as commanded by your Majesty. They also continue to coin money, which they acknowledged to be a great crime, and for

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which they craved pardon; they convert fines and forfeitures, which are due to the King, to the use of the Colony; and lastly they have liberated without any process of law a master of a ship who was apprehended for firing at your Majesty's jack. The charter of incorporation of Massachusetts is similar to that of the Bermudas, against which you have ordered the issue of a writ of *Quo warranto* as was formerly done in Virginia. The misdemeanours and arbitrary proceedings of Massachusetts far exceed those of the Somers' Island Company. Petitioner therefore prays that a writ of *Quo warranto* may be issued to vacate their patent.
1 p. Inscribed, Read in Council, April 6, 1680. Read at Committee, 8 April 1680. In the margin, Order of the King in Council, 6 April 1681. That the Committees of Trade and Plantations meet on Saturday next to consider this petition. Signed, Francis Gwyn. [Col. Papers, Vol. XLVI., No. 117.]

April 7.

69. Testimonies of various witnesses taken by Robert Mason. Philip Chasey, of Oyster River in the province of New Hampshire, testifies that in the year 1665, when the King's Commissioners were in the province, Major Walderne, now one of the Council, said to him, "You are one of those that petition for kingly government. You shall have a king, and I will be your king"; and he has ever since oppressed the inhabitants. John Michelmore testifies that in February last Major Walderne said to him, "You have been to Mr. Mason for a confirmation of your lands, for which I will smoke you over the coals." Robert Watson testifies that in February last Walderne, in the town of Dover, warned several people not to agree with Mason for confirmation of their lands, in the hope that there might be a change of Government in England. John Rand and John Beckford testify that when they came to Portsmouth, to agree with Mason for confirmation of their lands, they were met by Richard Martyn, one of the Council, who dissuaded them, saying that neither the King nor Mason had any more right to land in New England than Robin Hood, and that the Council were resolved to oppose him. Joseph Smith gives similar testimony. *The foregoing all attested by Robert Mason. 1 p. Endorsed, Read 10 Sept. 1681. [Col. Papers, Vol. XLVI., No. 118.]*

April 7.
Barbados.

70. The Secretary of Barbados to Lords of Trade and Plantations. Transmitting copies of all transactions in the Secretary's office, Council, and elsewhere, made up to the end of Sir Jonathan Atkins's Government (*see ante*, No. 36). *Endorsed and inscribed, Recd. 4 June 1681. [Col. Papers, Vol. XLVI., No. 119, and Col. Entry Bk., Vol. VII., p. 64.]*

April 7.

71. Minutes of Council of Barbados. The Committee reported its amendments to the Bill for fortifications brought up by the Assembly, which were engrossed and returned to the Assembly. Mr. Stede's Bill for a Committee of public accounts was approved and sent down to the Assembly. The Assembly coming in, the Speaker asked that their own Bill for fortifications might be

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returned to them. Mr. Robert Dawes's petition read, and recommended to the Assembly.

April 8.

The Assembly presented a Bill for levy of money for fortifications, which being found to contain few of the amendments formerly added to a like Bill, a conference was desired, and the following members were appointed thereto:—Henry Walrond, Thomas Walrond, Edwyn Stede, Richard Howell. The Assembly delivered the Bill sent them by the Council for a Committee of accounts without having done anything therein, and desired their Bill for getting in the arrears might be returned to them with the Council's amendments. They also sent for the Bill, which they had returned unaltered, for a Committee of public accounts.

April 9.

The Assembly brought their Bills for the fortifications and the Committee of public accounts. The former was read three times and received the Governor's consent, the latter was read once. Two petitions for payment of gunners recommended to the Assembly. The Assembly brought an order for a present to Captain Ashley, which was passed by the Council and approved by the Governor. Adjourned to 19th April. [Col. Entry Bk., Vol. XI., pp. 339-343.]

April 7.

72. Journal of Assembly of Barbados. The House, having sent up a Bill for raising a levy of labour for the forts and received a Bill from the Governor and Council to same effect, resolved to desire the return of its own Bill, and sent back that of the Governor and Council.

April 8.

The House ordered this Bill, with the amendments of the Governor and Council, to be read, and thereupon that a Bill with the necessary alterations be drawn. Bill passed and sent to Governor and Council, who desired members to be appointed to debate with some of the Council thereon. Christopher Codrington, Edward Littleton, Richard Seawell, John Davies, Samuel Husbands appointed accordingly, who returned with the said Bill and amendments.

April 9.

Ordered by the Council and Assembly that John Hallett give two hogsheads of sugar to Captain Ashley, of H.M.S. Constant Warwick, out of due sense of his good service in bringing hither his Excellency Sir Richard Dutton. Bill for supply of labourers for the fortifications, with the Assembly's amendments, passed. Bill for a Committee of public accounts, with amendments, passed. Ordered, That the Committee appointed to treat for a house for the Governor conclude an agreement with Madam Stanfast for Fontabelle. Adjourned to 17th May. [Col. Entry Bk., Vol. XIII., pp. 425-427.]

April 9.
St. Jago de
la Vega.

73. Sir Henry Morgan to Secretary Jenkins. Your letter of 3rd February arrived here on the 7th instant by Captain Knapman. Thanks for your friendly intimation of the malicious confederacy to which Lord Carlisle and I have been exposed in the matter of countenancing pirates and privateers. The discouragement of them has always been the utmost endeavour of his Lordship, the Council, and myself. I have put to death, imprisoned, and transported to

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the Spaniard for execution all English and Spanish pirates that I could get within the power of this Government. I wrote a full account some weeks back to the Lords of Trade and Plantations, and have since received thanks from several Spanish Governors in the Main for exerting so much care and vigilance in the suppression of privateers. Lord Carlisle's earnest endeavours in this direction were the cause of the loss of H.M.S. Success among the South Keys in Cuba, which the privateers used for sanctuary. Nothing was omitted by the Government that tended to carry so good a work into effect, so far has it been from countenancing them or any other malefactors at sea or ashore. We have used Spaniards on all occasions with that respect, despatch, and neighbourly friendship that they have more reason to be thankful than to complain. Privateers in the West Indies can be no less easily extirpated than robbers on the King's highway in England, both being lawless and driven by their respective necessities till overtaken by punishment. I am most infinitely obliged to His Majesty for his gracious opinion of my zeal in his service, particularly in repressing all piracy. I promise my utmost endeavours in the future, but I would I had some small frigates to cruise about this Island, without which they will be busy and infest this coast, though they are prohibited all the ports and all commerce whatsoever with the inhabitants of the Island. The complaints [against Lord Carlisle and myself] have risen more from the desire of men to be popular than from their zeal for the King's service, valuing themselves on the frequent obstructions they often give it. "God forgive 'em, I do." *Postscript.*—The Assembly did little at their first meeting; they meet after a long adjournment to-morrow. 3 pp. *Endorsed*, "Rec. 4 July 1681."

Duplicate of foregoing. 2 pp. *Inscribed*, Rec. 5 June 1681.
[Col. Papers, Vol. XLVI., Nos. 120, 121, and Col. Entry Bk., Vol. XXIX., pp. 480–482.]

April 9.
Council
Chamber.

74. Journal of Lords of Trade and Plantations. Read, Mr. Randolph's complaint of abuses in the Massachusetts (*see ante*, Nos. 45, 68). Lord Culpeper acquainted the Committee that while he was in New England he observed that the generality of the people were very weary of the Government of the Magistrates, and that the Magistrates also were very averse to the Government of England. [Col. Entry Bk., Vol. CVI., pp. 256–257.]

April 12. **75.** Journal of Lords of Trade and Plantations. Order of Council referring to the complaint of Francis Mingham read. Their Lordship's agree upon their report (*see No. 77*). [Col. Entry Bk., Vol. CVI., pp. 257–259.]

April 15. **76.** Petition of Francis Tyssen, merchant, of London, to the King. Prays that directions may be given to Sir Henry Morgan to pay over 931*l.* 16*s.* which was placed in his hands as Judge of the Court of Admiralty to the petitioner's deputy, Edward Hazle. 1 p. *Endorsed*, with memoranda of the fulfilment of petitioner's wishes. [Col. Papers, Vol. XLVI., No. 122.]

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April 15.
Whitehall.

77. Order of the King in Council. The report, dated 12th April, of the Lords of Trade and Plantations on the case of Francis Mingham (*see ante*, No. 40) was read, to following effect. We have heard both parties by their Counsel, and we think that the condemnation of Mingham's ship and goods was unwarranted, and his imprisonment and the proceedings on the action for scandal, contemptuous towards your Majesty's Council Board and throughout oppressive and unjust. We recommend that the 300*l.* for which the ship was sold should be forthwith restored to Mingham, but, as the seizure was colourable and the case had divers circumstances of suspicion, without costs. As regards the action for scandal, we recommend that Sir Henry Morgan and Mr. Thomas Martin be called upon to express their satisfaction with our judgment, that Mingham may be no more troubled thereby, and that your Majesty should express, in such manner as you think best, your resentment towards Sir Henry Morgan and Mr. Martin, to discourage the like proceedings in other persons in power. We recommend further that Mingham be left to take such further legal remedy as he chooses to obtain satisfaction for his sufferings during imprisonment.

As regards the petition of the Provost Marshal of Jamaica (*ante*, No. 67), we think it reasonable that his fees should be paid by Sir Henry Morgan and Mr. Thomas Martin, according to the proportion of 2,000*l.* and 500*l.* for which Mingham was taken in execution. *Signed*, Bath, Clarendon, Conway, L. Jenkins, Francis North. Order in Council accordingly. [Col. Entry Bk., Vol. XXIX., pp. 462-466.]

April 15. **78.** Answer from the Leeward Islands to the King's offer to Nevis. commute the four and a half per cent. duty. At a meeting held at the Public Court Hall in Charlestown on Friday, 15th April 1681. Present: Sir William Stapleton, Governor and Captain General, Colonel James Cotter, Governor of Montserrat, Captain Charles Pym, and Nicholas Rainsford, Esq., of the Council, and Mr. Philip Lee (Speaker) and Mr. James Walker, of the Assembly of Nevis. Lieutenant-Colonel John Estridge, Captain John Pogson of the Council, and Mr. Ralph Willett (Speaker) and Captain William Willet, of the Assembly of St. Christophers. Captain Paul Lee, Captain John Fry of the Council, and Captain John Vernon (Speaker) and Lieutenant-Colonel Thomas Mallet, of the Assembly of Antigua. Captain John Symes, Mr. William Fox of the Council, Mr. John Blake (Speaker), and Lieutenant John Davis, of the Assembly of Montserrat.

The King's offer was read, to commute the four and a half per cent. duty for some other more convenient imposition. The representatives of Nevis, Antigua, and St. Christophers answer that they wish for no alteration, but the representatives of Montserrat accept the offer, and are willing to pay an equivalent sum of money for ever, provided that the Island be discharged of the four and a half per cent. duty. [Col. Entry Bk., Vol. XLVII., pp. 13-15.]

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April 15.

79. Order of the King in Council. That a copy of the petition of Thomas Dervall be referred to the Lords of Trade and Plantations for their report. [Col. Entry Bk., Vol. LXVIII., p. 53.]

April 15.

80. The King to Sir William Stapleton. On the question of the restoration of St. Eustatia and Saba. The Dutch ambassador having undertaken to reimburse you for your expenses in keeping those Islands, viz., 100*l.*, and fifty muskets, we hereby authorise you to restore them to such persons as the Dutch Goverment shall appoint. 1 *p.* [Col. Entry Bk., Vol. XCIII., p. 6a.]

April 15.

Whitehall.

81. Warrant for the re-delivery of the Islands of St. Eustatius and Saba to the Dutch. Addressed to Sir William Stapleton. Countersigned, L. Jenkins. [Col. Entry Bk., Vol. XLVII., p. 72.]

April 16.

Council Chamber.

82. Journal of Lords of Trade and Plantations. Lord Culpeper attended and gave an account of New England. He said that New Plymouth is very well inclined to the King's Government and should therefore be encouraged. Their Lordships will report so to the Council, and that in their opinion New England cannot be brought to a perfect settlement unless a general governor be sent over and maintained there at the King's charge. They will also propose that all governors be obliged to reside within their governments and receive no salary during their absence therefrom. Their Lordships, considering Mr. Randolph's good services, agree to recommend that his salary be doubled. [Col. Entry Bk., Vol. CVI., p. 260.]

April 16.

83. Edward Randolph to Sir Leoline Jenkins. I propose that the articles and paper containing several high misdemeanors against the Bostoners, which I gave in myself to the Lords of Trade and Plantations at my first return from New England, should be read; also Sir William Jones's and Sir Francis Winnington's opinion thereon; also my petition and appeal to the King; also the depositions taken on 9th instant. For full confirmation of the whole matter the Attorney-General should be provided with the Bostoners' Charter, and the Acts of Trade and other papers now lying before their Lordships, that the King may be able to proceed legally, and reduce this Government, whose example leads the other Plantations to mutiny and uneasiness, and that the conspiracy, which to my knowledge is continued between the factious parties in both Englands, may be utterly dissolved. A *Quo warranto* is, by the opinion of the late Attorney and Solicitor General, the most legal and safe way of proceeding with them. Having given notice of the *Quo warranto* the King should issue a Commission to settle the Government of the province temporarily, similar to that which I myself carried to New Hampshire, empowering the present magistrates and other resident gentlemen to administer justice, to preserve the peace, and to guard against foreign invasion; also to re-hear several causes or seizures which were illegally given against the King, and to enforce the Acts of Trade and Navigation; and lastly to take care of the militia, and

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to place the castles and forts in safe hands, pending a final settlement of the whole matter. The King should also by printed declaration grant liberty of conscience in matters of religion, grant to every man his legal rights and properties and forbid money to be raised (except in case of foreign invasion or trouble with the Indians) without his permission. Mr. Danforth, Mr. Noel, Mr. Saltonstall, senior, and Mr. Gidney, who lately entered Maine with an armed force, should be declared incapable of any public office, and bound over to good behaviour in a bond of a thousand pounds. I doubt not to give the King a speedy and effectual account of all this, since I obtained the settlement of New Hampshire by his Commission, which was a matter of far greater difficulty. The *Quo warranto* will unhinge their government and prepare them to receive the King's further pleasure, saving withal both money and time. I have in my papers often pressed the appointment of a general governor as absolutely necessary to the service and honour of the Crown and the good security of the whole Plantation. At present it is cantonised into small corporations and governments, unable to defend themselves or relieve their neighbours. But in many respects I do not look upon the present as a favourable season for this. Besides, should any force appear on the coast to reduce them to reason before they have had a legal summons to make their defence, it would discourage the honest majority in the place. But after a legal prosecution there will be no need of force, for I do not believe that they will add rebellion to all their former extravagance. Yet even supposing that they should not regularly comply, they well know and fear that, for what is already committed, the King will put them out of his protection, command all the Governors of foreign plantations to seize their ships, and deny them further to trade; and without trade they cannot subsist. As for the apprehensions of their joining with the French, they have such a pique against them that they only want an opportunity to dispossess them in Nova Scotia, Canada, and Newfoundland. *Holograph.*
Endorsed. 3 pp. [Col. Papers, Vol. XLVI., No. 123.]

[April 16 ?] **84.** Part of the Articles objected against the Government of Boston in New England. 1. Erection of a mint and coining of money. 2. Putting subjects to death for matters of religion. 3. Making laws repugnant to the laws of England. 4. Invading and subduing neighbouring provinces with force of arms. 5. Illegal imposition of taxes. Denial of appeals to King in Council; denial of baptism to children, &c. Copy of the opinion of Sir William Jones and Sir Francis Winnington that if the articles alleged be true they are sufficient to invalidate the Patent. Additional considerations: It is clear by the docket of the Charter that they were constituted to be a Governor and Company here in England; and in fact they did act by a Governor in London and sent agents to represent them in America, so that the question arises whether by removing themselves to America they have not invalidated their Charter, and consequently that all power is not returned to the

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King. I have several papers to communicate to Mr. Secretary if I may have opportunity to attend. 2 pp. *Holograph in Randolph's handwriting. Unsigned.* [Col. Papers, Vol. XLVI., No. 124.]

April 18.
Carlisle.

85. Lord Carlisle to Sir Leoline Jenkins. I have received yours of the 12th instant. I have by this post several letters from Jamaica. The orders are arrived, and Sir Henry Morgan will do his best to get a compliance with what His Majesty and the Lords expect, but I find there will be difficulty to get the Revenue Bill passed perpetual. I heartily desire you would move the King to give his part of the prize taken by Captain Heywood to Sir Henry Morgan. You know there is taken from him 600*l.* per annum payable here, and his company [of foot], so that this gift will hardly recompense the loss of the other this year, and the place he lives in is so chargeable that, with his generous humour, I know he will be a beggar, though I also allow him 600*l.* per annum out of what you have left me. I pray give Captain Morgan leave to wait upon you about this, and also to show you some letters from him. *Holograph. Endorsed with a docket. "Recd. 30 April 1681."* [Col. Papers, Vol. XLVI., No. 125.]

April 19.

86. Order of the King in Council. Referring a petition from the inhabitants of Bermuda to Lords of Trade and Plantations for report. *Signed, Francis Gwyn.* 1 p. *Annexed,*

86. i. The petition referred to, from the persons acting in behalf of the inhabitants of Bermuda. In October 1679 your Majesty granted a *Quo warranto* against the Bermuda Company, to which they avoided pleading by contempts and other designs till Christmas last. On 25th February last you ordered that the Deputy Governor should be sent for to answer his contempt for your Royal order (*see ante*, No. 31). Notwithstanding this the Company still continues its former practices. It has lately turned one of the Council out of all his employment for speaking on behalf of the said order, and it determines titles of land situate in Bermuda in its Courts here. We beg you to take the Island under your Royal protection, that it may have the benefit of trading to the port of London like the rest of your Plantations till you make known your determination. *Signed, William Righton, Nathaniel Smith, John Trott. Copy certified by Francis Gwyn.* 1 p. *Endorsed, 19 April 1681. Mem.—"Nobody solicits it."* [Col. Papers, Vol. XLVI., Nos. 126, 126 i.; and (order only) Col. Entry Bk., Vol. XVII., p. 92.]

April 10.

87. Minutes of Council of Barbados. Mr. Francis Wilbraham, Clerk of the Committee of Accounts, ordered to bring the public account books from 1666 to 1670 to next meeting. Discussion of the Bill for public accounts deferred. [Col. Entry Bk., Vol. XI., p. 343.]

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April 20.

88. "The names of substantial, able and (as I was informed in the place) uninterested persons, fit to be Commissioners in the Narragansett affair." William Stoughton, Joseph Dudley, Edward Randolph, and the chief officer of the King's customs for the time being, Samuel Shrimpton, John Fitzwinthrop, Edward Palmer, John Pynecheon, junr., Mr. Saltonstall, junr., the Governor and Deputy Governor of New Plymouth for the time being, if the Colony have no pretence, and the persons be uninterested, or any three or four of them; whereof the four first named and the Governor of New Plymouth for the time being to be one (*sic*). *Holograph. Signed,* Thomas Culpeper. *Scrap. Endorsed.* "Presented 8 October 1681." [Col. Papers, Vol. XLVI., No. 127.]

[April 23.] **89.** Petition of Thomas Darvall to the King. Petitioner is aggrieved by a judgment given against him at New York assizes in October 1680; has appealed to you in Council and given bond to prosecute the appeal before 6th October 1681. Prays, therefore, for a day to be appointed for the hearing. *Copy. 1 p. Certified by Francis Gwyn. Endorsed, "Recd. 23 April 1681."* [Col. Papers, Vol. XLVI., No. 128.]

[April 23.] **90.** A collection of papers referring to the legal case of Hall v. Darvall.

90. i. Copy of the Record of the trial before the Court of New York. Verdict for defendant with costs. 20 July 1680. 1 p.
 90. ii. Copy of the Bill and Answer at the Assizes. 5 pp.
 90. iii. Deposition of James Barre before the Mayor of New York. 28 July. 1 p.
 90. iv. Depositions of Thomas Holloway and John Hooper. 3 pp.
 90. v. Deposition of Samuel Davies. 2 pp.
 90. vi. Confirmation of judgment of Court of Assizes. 1 p.
- [Col. Papers, Vol. XLVI., Nos. 129 i.-vi.]

April 30.
Whitehall.

91. Edward Randolph to [Sir Leoline Jenkins]. Taking it for granted that the Bostoners have vacated their charter, by moving themselves, their charter, and the entire execution thereof to America (*see ante*, No. 84), and by their former misdemeanours acknowledged by their agents, what remains but for the King to proceed against them in the same manner as against Bermuda and Virginia? It is a matter of absolute necessity both to the Colony and the Crown, and will ensure the following advantages: 1. It will bring Massachusetts to nearer dependence on the Crown, and will confirm neighbouring Colonies in their allegiance. 2. One united Colony, under a single Government, will be much stronger than five independent corporations, both against internal disturbance and foreign invasion. 3. It will render the whole Plantation of singular use to all the Colonies, by supplying them with provisions and stores, without which they cannot subsist if the French prove troublesome and stop our West Indian trade. 4. The country once brought under the King's immediate authority, will supply the King

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with well-seasoned men and provisions for the reduction of any rebellious Colony. Again, in case of foreign war, the King's frigates could victual at Boston, raise men to create a diversion, and seize the enemies' Colonies. The French and Spanish, who to this day supply their plantations through magazine ships from Europe, cannot do the like. 5. New England well settled will supply us with all kinds of naval stores, timber, spars, pitch, and tar, in case we should be cut off from supplies in the Sound. 6. The rest of the Plantations will yield to the laws of trade when they see New England subjected to them as well as themselves. Finally, this will utterly cut off the correspondence between the factious parties in Old and New England. The discontented here think that New England will be a good retreat for them, and value themselves on their numbers.

The King cannot hope for a better opportunity than this for settling the country, for the other Colonies that were their confederates have now fallen off, from their being unable longer to endure their encroachments on their boundaries, nor the imposts laid on their produce by the General Court at Boston. Nor do they find it reasonable to be involved in the mischief which may follow such repeated disloyalty. Moreover, every Colony is divided against itself. The Governor, part of the magistrates, and the ministry have throughout voted for dutiful submission to the King, as witness their petition of 1666. The other party, inconsiderable in estate or repute, and superior only in number, outvotes the Governor in all public meetings, accounting him and all his party betrayers of the liberty granted by the charter, which is one great cause of the misunderstanding between the King and the Colony. However, they all agree that the inhabitants shall be taxed to raise near 5,000*l.* to pay for the purchase of Maine, and for the expenses of the late agents in England. Besides these charges there is the growing expense of Mr. Danforth's expedition, and of maintaining a garrison to secure those allotments of land which Mr. Danforth and others of the magistracy have secured to themselves out of the province of Maine. Neither they nor any persons now in public office in the Colony have paid a penny towards the purchase thereof, and this, together with the imposition of an excise on all live-stock imported from other Colonies into Massachusetts, has so incensed the people that at my coming they were in high discontent. After all their complaints and the opposition offered by some of the magistracy to the King's laws in open Court, they look at least for a regulation of the Government, failing which nothing remains for them but to leave the place, which they cannot without ruin. No ship or armed force is required to carry out my proposal, only the advance of as much money as is necessary in the regulation of the Colony's trade, and a prosecution of the following methods:—1. The Attorney-General to bring a *Quo warranto* against the Governor and Company of Massachusetts, and a *distringas* upon the province of Maine. 2. A commission to be issued by the King to the present Governor, Messrs. Stoughton Dudley, Buckley, Pyncheon, Saltonstall, junr., Major-

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General Denison, and Major Savage, all of the present magistracy, and together with them to Messrs. Lines, Shrimpton, Warton, Kellond, Sheaf, and Wait Winthrop, all men of good estates and well-esteemed in the Colony, charging them to settle a temporary Government, as in New Hampshire, pending a final settlement. 3. The King to signify his readiness to grant a general pardon, liberty of conscience, and security of legal rights and properties. 4. No law made in the Plantation to be valid, nor any money to be raised, without the King's sanction. 5. Major Shapleigh, Captain Champernoun, Mr. Wheelwright, Mr. Blackman, and Mr. Rushworth, formerly justices of the peace and managers of Mr. Gorges's patent, who were put out by the Bostoners, restored by the Royal Commissioners in 1665, and again displaced since the purchase of Maine, may be restored. If the King see fit to entrust the execution of these proposals to me, I do not question to give a good account of them. To unite New England in one Government, no one could be better qualified than Lord Culpeper, who by his administration in Virginia and his bearing during his stay in New England has gained mighty respect among all good men. Had he but held instructions to regulate the Government, I do not doubt but that he might have effected the design with ease and success at the time of his visit. *Signed.* 4 pp. [Col. Papers, Vol. XLVI., No. 130.]

[April 30.] 92. Edward Randolph to the Lords of the Treasury. For the better regulation of the trade of Massachusetts, I propose that the Attorney-General's opinion be taken on the following points:—
 1. Should not the laws of Trade and Navigation be observed, from the first signification thereof, by New England as well as all other English Colonies? What manner of signification is necessary? 2. Ought not the Government of Massachusetts to admit appeals to the King before and after trials in their Courts? 3. In appeals made by the King's officers and other subjects, should not good security be taken to answer before the King in England? What course should be taken if security be refused? 4. Have not the Governor and Company of Massachusetts, who by their charter were directed to act in England and transact their business in America by agents, vacated their charter by removing to America? *Signed,* Edward Randolph. *Minute,* referring foregoing to the Attorney-General for his report. *Signed,* Henry Guy, 30 April 1681.

Report of the Attorney-General, dated 30th May:—1. In my opinion, the Plantation Acts being public laws, and particularly binding on the Plantations, are of effect without particular notice from the King. Yet to take away all colour of excuse it has been usual to signify the same by Order in Council. 2. There is no question but that, as the sovereignty remains in the King, an appeal lies to him in Council as from Jersey and Guernsey, and the King in Council may give rules in what cases appeals may be allowed, and how prosecuted, and for what value, as has been done in Jersey and Guernsey, with allowance, of course, for the greater

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distance of the place, for it would be an infinite vexation to allow latitude of appealing in any case before the King in Council has settled rules, unless in some exorbitant case which may have influence upon the Government. 4. By the charter of King James the Council was to reside in England and manage by assigns in New England, but by the Patent, 4 Car. I., their assigns are made a body corporate, the Government is vested in them, and they may reside in New England. *Signed, R. Sawyer.* [Col. *Entry Bk.*, Vol. *LXI.*, pp. 124-126.]

[April ?]

93. Petition of divers merchants and others of London, members of the Bermuda Company, to the House of Commons. The Company was created in 1614, and by its charter one-fourth of the Islands was reserved for the defraying of public expenses, all lawful owners of one entire share of land to be admitted to a voice in the Company, and no others. For some years the Islands thrrove, till some members of the Company, living in London, made by-laws for governing the planters in Bermuda, being themselves least concerned in the trade and interest of the Islands, for their own private advantage. They take away lands enjoyed for eighteen years by lawful owners, without legal process or compensation, erasing the record of their title to the same. Strangers who had no land in the Islands are admitted, contrary to the charter, to the Company, and the possession of the lands unjustly taken is decreed to them. The Company exacts a penny a pound on all tobacco grown on the Island, on pretence of defraying the expenses of government; they allow the Governor, without consent of the Assembly, to tax the planters, which is illegal, unwarranted by the charter, and destructive, and the money is spent by those who attend meetings in London. The land set apart for expenses of government amply suffices. Again, they prohibit all exportation or importation except in their own ships, and charge excessive freights; and a penny a pound being set on Bermuda tobacco, which is imposed on no other, Virginia and other colonies are able to undersell it. Again, the Company has prohibited the people from building vessels of over five tons burden, forbids any ship to be used as magazine ship in which any of the planters have an interest, has put a stop to whale fishing, and acted in many ways illegally, unjustly, and arbitrarily. We beg you to consider these grievances, and appoint a time to hear them. *Printed broadsheet.* [Col. *Papers*, Vol. *XLVI.*, No. 131.]

[May 2.]

94. Blank commission signed by Lord Shaftesbury, Sir Peter Colleton, and John Archdall, for the appointment of a deputy who should have been appointed by Sir William Berkeley, deputies being much wanted, and it being uncertain to whom Sir William's rights belong.

A second commission of the same kind given to Governor Wilkinson. [Col. *Entry Bk.*, Vol. *XX.*, p. 171.]

May 2.

95. Lords Proprietors of Carolina to Governor Wilkinson. We have given you our deputations without inserting a name, in order

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that, if the persons already appointed by us should not behave as they should, in healing all breaches that have been in the Colony, you may fill that Proprietor's deputation (of whose nomination the party so behaving was) with the name of some fitting person. If our nominees behave well, we think it best that they should not be turned out. $\frac{1}{2} p.$ [Col. Entry Bk., Vol. XX., p. 172.]

May 3.
Council
Chamber.

96. Lords of Trade and Plantations to the King. We have been long considering the affairs of New England, and have discussed them with Mr. Randolph, who has run great hazards there in the discharge of his duty, and is now returning thither with enlarged powers. But as his former merit has been great, and he cannot well proceed without a larger allowance than he has hitherto received, we recommend that his salary be raised from 100*l.* to 200*l.* annually. [Col. Entry Bk., Vol. LXI., p. 126.]

May 7.
Portsmouth,
New Hampshire.

97. The President and Council of New Hampshire to William Blathwayt. Our President, John Cutt, being deceased, I write on behalf of our new President, Richard Walderne, and the Council to acknowledge yours of 14th October 1680. The Government being yet in its infancy, the new laws requiring some time for preparation, and communication with England being infrequent, we may seem not to have been forward in our duty. But we hope to make amends by the fulness of the account we have transmitted. *Signed,* R. Chamberlain. $\frac{1}{2} p.$ *Endorsed.* "Reed. 20 Sept. 1681." [Col. Papers, Vol. XLVI., No. 132.]

May 7.
Portsmouth.

98. The President and Council of New Hampshire to Lords of Trade and Plantations. At the end of December we received yours of 1st October 1680 by Mr. Mason, and another by Mr. Chamberlain. The latter required us to furnish you a quarterly account of all public transactions. But we have no such frequent opportunities, especially in winter, of sending into England. This conveyance by Captain Peck is the first from this province since the receipt of your orders, and indeed since the receipt of the King's commission. We send the accounts required of us now, and shall not fail to avail ourselves of all future opportunities. First, as to civil matters, we refer you to the Acts and orders which we have passed, which are herewith enclosed. Next as to ecclesiastics; these remain unchanged. Each town has an orthodox minister to the satisfaction of the people. As to our military discipline, we refer you again to our Acts for appointing officers and exercising soldiers. There are forts at the Great Island in Portsmouth and at the Little Harbour's mouth, well enough situated, but too weak at present to be sufficient defence. The guns, eleven in all, are too small, none bigger than a sacker, or more than 2,100 lbs. weight, and the people are too poor to make defence suitable to the occasion that may happen to the fort. The guns were bought and the forts erected by Royal command, at the sole expense of the people of Dover and Portsmouth about the year 1665, at the

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beginning of the first Dutch war. There are five more guns in the upper part of Portsmouth, purchased by private persons for their security and defence against the Indians in the late war. We beg the King to send us suitable guns, with ammunition. The income of the powder and customs for maintenance of the forts will be found in the Acts. As to trade, we send a return of tonnage. Our chief export is lumber of all kinds, which at present is of little value in the other colonies to which it is sent. We see no other way of improving our trade than for the King to make our river Piscataqua a free port. Importation by strangers is of little value; ships commonly sell their cargoes in other colonies, and if they come here generally come empty to load with lumber; if by chance they are laden with fish they bring it from other parts, none being made [cured] here. As to improvement of our land by tillage, our soil is generally so barren, and the winters so long and severe, that we cannot grow food enough for ourselves. In the late war with the Indians several of the youth were killed, and many men, by destruction of houses and estates, so impoverished that they can do little towards improving their estates, and groan under the malt tax levied for the purpose, whereof great part is to this day unpaid. *Signed*, Richard Walderne, President, Elias Stileman, Deputy President, Richard Martyn, William Vaughan, Thomas Daniel, John Gillman, Christopher Hussey, Job Clements, R. Chamberlain, Secretary. 2 pp. *Endorsed*. "Recd. 20 Sept. 1681." [Col. Papers, Vol. XLVI., No. 133, and Col. Entry Bk., Vol. LXVII., pp. 10-13.] *Annexed*,

98. I. The General Laws and Liberties of the Province of New Hampshire, made by the General Assembly in Portsmouth, 16th March 1679 [1680], and approved by the President and Council. *Preamble and preliminary enactment*, That justice and right be equally and impartially administered unto all, not sold, denied, or carelessly deferred unto any. *Marginal note in the hand of Attorney-General Sawyer*, No need of it, therefore disallowed.

CAPITAL LAWS.

The penalty of death is fixed for those (1) who having had a knowledge of the true God worship any other God. *Marginal note*, "Set aside." (2.) Who blaspheme the Trinity. *Marginal note*, "Set aside." (3) Who are guilty of treason. *Marginal note*, "Provided for and set aside." (4) Who conspire rebellion and subversion of the government. *Marginal note*, "Provided for." (5) Who are guilty of murder, (6) who slay a man in sudden anger, or (7) through guile; (8) who calling themselves Christians consult a familiar spirit; (9) who are guilty of bestiality; "and the beast shall be slain and buried, not eaten;" (10) who are guilty of sodomy, or (11) of bearing false witness against a man's life, or (12) of

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stealing mankind ; (13) who being over sixteen years of age smite or curse their father or mother, unless it can be proved that the fault lay with the parents through neglect or provocation ; (14) who commit rape ; (15) who are guilty of arson. *The marginal notes are all in the handwriting of Attorney General Sawyer. The above is printed in full, without marginal notes, in Belknap's History of New Hampshire, Farmer's edition, I., 453.*

CRIMINAL LAWS.

- (1.) All prisoners to be tried at the next Court. (2.) Those guilty of adultery, male and female, to receive two whippings, not exceeding forty lashes each, and to wear the two letters A D sewed on their upper garments ; if seen without the letters to be publicly whipped. (3.) Fornication to be punished by injunction of marriage, fine, or whipping ; the same if committed after contract and before marriage to be punished with fifty shillings fine or whipping in default. Fines to be paid in money for "the more discountenancing this prevailing sin." (4.) Burglars to be branded B on the right hand for a first offence, on the left hand for a second offence, and to be whipped ; to be put to death or otherwise grievously punished on the third offence. If the offence be committed on the Lord's Day the brand to be on the forehead. (5.) Stealers of ships shall be severely punished, but punishment not to extend to life or limb. (6.) Theft of animals or goods to be punished by threefold restoration to the party wronged, and by fine or whipping, as the Court or three of the Council shall determine. Appeals from the Council permitted. (7.) Any member of Council may try petty thefts to the value of forty shillings, and order whipping to ten stripes. Appeal allowed. (8.) Swearing punishable by ten shillings fine, or one to three hours in the stocks. For more oaths than one at one time the fine to be twenty shillings. Cursing may be punished also with whipping. 9. Working on the Lord's Day ten shillings fine or whipping. (10.) Speaking contemptuously of the Scriptures, ten shillings or the stocks for first offence, forty shillings or whipping for repeating it. (11.) Members of Council empowered to enforce execution of civil judgments. (12.) Breaches of peace punishable by fine or imprisonment. (13.) Forgery punishable with fine, or in default public whipping and the brand F on the forehead. (14.) Embezzlement of or falsification of public records by notaries or other keepers punishable by disfranchisement, branding on the face, or fine. (15.) Attempts to corrupt public officers, punishable by fine, imprisonment, or whipping. (16 to 19.) Relate to punishments for libel, destroying fences, moving land-

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marks, &c. (20, 21.) Prohibition of gaming, ten shillings fine for each player, and twenty for the keeper of the house. (22.) Against drunkenness; for the fourth offence five pounds fine or public whipping. (23.) Against firing the woods ; ten shillings or the stocks. Any member of the Council may hear criminal cases, when the fine does not exceed forty shillings, and the punishment ten lashes or the stocks. *Here the numbers cease, and the remaining enactments succeed each other as follows :—*(1.) Orders for prison keepers, (2.) for marshals, (3.) for the validity of former judgments of Courts before the change of government, (4.) for the confirmation of all existing property in land. *This is the enactment directed against Robert Mason in defiance of the King's order; it is but six lines in length.* (5.) Differences as to titles of land to be tried by jury of freemen. (6.) All contracts to be paid in the species bargained for. (7—10.) Regulations for the grazing of horses on unfenced lands, and for branding them with the initial letters of the four towns, Portsmouth, Hampton, Dover, and Exeter. (11—12.) Orders for the administration of justice. The General Assembly to meet at Portsmouth on the first Tuesday in March for legislation, and the President and Council to hear appeals. Three other Courts to be held by the President and Council or any six of the Council. (13.) The estates of constables to be liable to distraint for arrears of rates in their districts. (14.) Every man of good life, twenty-four years of age, and having twenty pounds of rateable estate, to be a freeman, with a vote for the election of all officers. (15, 16.) Any member of Council may solemnise marriages, after three publications or fourteen days' public announcement in writing of the intention of the parties. (17.) System of assessments for raising money for the public charge. (18.) Reward for every wolf killed in the province, forty shillings to an Englishman, ten to an Indian. (19, 20.) Confirmation of existing laws. (21, 22.) Powers to constables and marshals to enforce payment of rates and fines. (23.) The marshal's fees ; and (24.) powers to invoke assistance. (24—27.) Rules for collection of rates and fines. (28—30.) Certain details as to administration of justice. (31, 32.) The freemen of every town may choose their own officers and make their own regulations. (33.) Rule against careless discharge of ballast from ships. (34—43.) Concerning the civil and criminal procedure. (44.) No inn-keeper to allow servants or children to sit and drink. (45.) Strangers falling sick or lame to be relieved by the town where they lie. (46.) Visitors from one town requiring relief in another to receive it from the town to which they belong. (47.) The President shall have a casting vote in the Assembly, Quarter Court, or Council.

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(48.) No stranger brought by the master of any vessel to be admitted to any town without the sanction of the President, or three of the Council, or of the select men. (49.) The constables in each town are to warn the freemen on the 1st February to choose their Deputies for the Assembly, which is to meet on the 1st March. Hampton, Portsmouth, and Dover to return three Deputies, Exeter two Deputies. Any Deputy absenting himself to be fined twenty shillings for every day's absence, unless the Assembly judge him to have valid excuse. (50.) Fee to be paid for appeals from the Quarter Courts. (51.) Act repealing the former order for three Courts in the year, and substituting two, on the first Tuesday in June and the first Tuesday in December, at Dover, Hampton, and Portsmouth in succession. (52.) An Act for the rate, "not inserted among the foresaid laws." (53.) 3rd May 1681. Orders for a rate for defraying the public charge of the Province. *Here at page 19 the general laws and liberties end.*

Acts and Orders of the President and Council
of New Hampshire.

Portsmouth, 1st January 1679-80. The President and Council received the King's Commission from Edward Randolph.

14th January. The Commission was read to the Council.

21st January. The Commissioners nominated therein took the oaths.

22nd January. Commission read at Portsmouth to the inhabitants of Portsmouth, and received with great acclamation. The President chose Richard Walderne for his Deputy, to the great satisfaction of the Council. Elias Stileman, Samuel Dalton, and Job Clements added to the Council. Proclamation issued confirming all former officers in their places.

4th February. Warrant issued to the select men of the four towns to draw up a list of the inhabitants for assessment. Two criminal cases tried.

16th February. Order to quicken the constables in the collection of the rate. Act for calling a General Assembly. The Council, being left by the King's Commission to determine what persons shall choose the Deputies for the Assembly, order the persons hereinafter named in the several towns to meet at nine in the morning on the 1st March next, and having taken the oath of allegiance to choose three persons from among themselves by the major vote given in writing. No man shall vote, except such as are mentioned in the list; no man shall put in but one vote for one man, and the voters

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must not "cut quite through the names they write in their papers." *Here follows the list of voters.* For Portsmouth, seventy-one; for Hampton, fifty-seven; for Exeter, twenty (including one member of Council); for Dover, sixty-one. Order appointing the 26th February as a day of humiliation. Richard Martyn chosen Treasurer of the Province, John Roberts, of Dover, Head Marshal of the Province, and Henry Dow, Marshal under him. A complaint of trespass heard.

16th March. Meeting of the General Assembly at Portsmouth.

Council.

Richard Walderne.	Christopher Hussey.
Richard Martyn.	John Gillman.
William Vaughan.	Elias Stileman.
Thomas Daniel.	Job Clements.

Deputies.

Robert Elliot -	-	-	Portsmouth.
Philip Lewis -	-	-	
John Pickering -	-	-	
Anthony Stanion -	-	-	Hampton.
Thomas Marston -	-	-	
Edward Gove -	-	-	
Peter Coffin -	-	-	Dover.
Anthony Nutter -	-	-	
Richard Walderne, junior	-	-	
Bartholomew Tipping -	-	-	Exeter.
Ralph Hall -	-	-	

Sundry laws and ordinances made. Criminal business.

17th March. Edward Randolph reported that he had seized a ship in the river for the King. The master complained that Randolph did him injury in seizing the vessel. Randolph desired a trial by jury, which was granted.

18th March. Further proceedings as to the seizure of the ship. The master petitioned for a special Court to decide the issue between Randolph and himself. Sundry administration and civil business.

23rd March. The case tried before the President and Council and a jury. Mark Hunkyn, plaintiff, against Edward Randolph, defendant, for illegal seizure of his ship. Verdict for plaintiff with 5l. 6s. 8d. damages. Edward Randolph was summoned before Council, for that, being asked during the case where the Earl of Danby was, he answered that he was hanged for all he knew, which the Council takes as a great reflection upon such a great Minister of State. Randolph said that he was sorry, and the Council being satisfied dismissed him.

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24th March. Captain Walter Barefoot examined concerning a paper he had set up on Great Island about customs to be entered to him, which he owned.

25th March. Barefoot indicted for posting the above notice. Fined ten pounds. Ordered that the commission and instructions that he received from Edward Randolph be returned to him. Letter from the Council and Assembly to the Governor and Council of Massachusetts; thanking them for their care of New Hampshire while it lay under their Government, and saying that the separation from them was through no wish of their own, for they would have heartily rejoiced if the King had continued the old arrangement, and begging for the settlement of a regular correspondence for the future. Appointment of officers of militia. Richard Walderne chosen Major-General of all the forces horse and foot. Officers for Portsmouth: Captain Thomas Daniel, Lieutenant Walter Neale, Ensign John Hunkyn. For Hampton: Captain Christopher Hussey, Lieutenant John Samburn, Ensign _____. For Dover: Major Richard Walderne, Lieutenant Peter Coffin, Ensign John Davis. For Exeter: Captain John Gillman, Lieutenant Ralph Hall, Ensign William More. For the Fort: Captain Elias Stileman, Lieutenant Nathan Fryer, Lieutenant Nathan Drake. Ordered that for the present there shall be but one troop of horse, of sixty troopers besides the following officers: Captain John Gerish, Lieutenant Anthony Nutter, Cornet Sam. Sherborn.

1st April. Order of the President and Council for enforcement of Acts of Trade and Navigation. Richard Martyn appointed officer for this purpose. The General Assembly adjourned to the first Monday in June.

7th June. Ordered that those that keep ferries shall convey Members of Assembly and Council, and jurymen on public service, free, and militia men going to musters at a reduced rate. Sundry administrative, civil, and criminal business.

10th June, 12th October, and 2nd November. Sundry business.

22nd December. The King's letter for the admission of Robert Mason to the Council read; and on taking the oaths he was admitted. Mr. Chamberlain also admitted to be Secretary.

1st March and 8th March 1681. Proceedings of a Court of Appeal at Portsmouth. *These occupy three pages.* Letter to the Governor and Council of Massachusetts on a matter of shipping, urging a return to the practice which obtained "when we were all under one law and government, which best pleaseth us." Letter from the Council to Robert Mason, dated 12th March 1680-81. We have received three letters from you which

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we do not intend to answer in writing, choosing rather to discourse their contents with you at the next meeting of Council. But as to yours of 4th February wherein you say that you are informed that some persons have encouraged the inhabitants not to treat with you, we desire and account it your duty, if you know of such persons, to produce them to receive the demerit of their offence.
Signed by the whole Council. Adjourned to first Tuesday in April.

April. Richard Walderne took his place as President in the room of John Cutt deceased. Robert Mason being requested to stay and assist in the Council's transactions desired to be excused. Elias Stileman chosen by Richard Walderne to be Deputy President. Sundry legal business.

20th April. Sundry causes tried. Robert Mason, being desired to remain with the Council to hear certain petitions about his concerns, refused, saying he should hear of them in England.

23rd April. Proclamation, warning all agents of Robert Mason to desist from carrying out his illegal orders issued under his assumed title of Lord Proprietor.

3rd May. Treasurer's fee fixed at a shilling in the pound of all money received in the public use of the province. Secretary's fee to be one shilling for every petition presented.

4th May. Letter from the Council to Robert Mason. The Council having seen and read sundry of your declarations set up in public places in which you charge them as great offenders under the King's commission, desire you to meet them on Friday next about noon and make all your charges out, or they will conclude yourself to be a pryer and fomenter of them and a slanderer of the innocent. As to your saying that you will carry all matters and lay them before the King, as if the Council had not power to deal with you or others, either in capitals or criminals, we judge it a mistake and pray you will believe it otherwise.
Signed, Richard Chamberlain.

5th March. Letter from Robert Mason to the Council. In reply to your letter of 4th instant, I stand to the justification of all my public declarations and letters to the Council, and have good proof thereof which I shall lay before the King. You by your declaration of 23rd April seem to think yourselves concerned, for you say you will disprove my statements before the King though as yet you do not know whom I shall accuse, nor of what crimes. However, your declaration pleases me very well. I cannot but admire that though I have named no persons you should unanimously think yourselves referred to; and that you should seek to be judges in your own cause. It is you, not I, that have made yourselves the parties concerned. The King

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has declared me your lawful proprietor and he shall judge between us. He and no other shall hear the charges that I intend to prefer. *Here the proceedings of the Assembly end, having filled eighteen pages.*

Account of the income of the fortifications on the Great Island in Customs of wines, rum, sugar, and molasses, from 1st January 1680 to May 1681. Creditor, 61*l.* 3*s.* 1*d.* Debitor, 56*l.* 12*s.* 4*d.* One item in the latter account is 12*l.* 10*s.* for two and a half barrels of powder spent at the funeral of John Cutt. Stock of powder remaining in the fort, 117 lbs, viz., received from various ships 162 lbs., spent in salutes, 45 lbs. "Errors excepted." 6th May 1681, per Elias Stileman, Collector. $\frac{1}{2}$ *p.*

A catalogue of the tonnage and entry of ships and vessels. Fifty-one vessels in all, the first entered 14th April 1680, the last 12th April 1681. The whole return dated 12th April 1681, by Richard Martyn. Note.—"That many of the above-said ships came into the river, being driven in by contrary winds and made but little stay." 2*½ pp.*

The Treasurer's Account. Debitor, 131*l.* 13*s.* 4*d.* The largest item is 106*l.* 11*s.* 6*d.* for expenses of the Council and General Assembly, the smallest 3*s.* 4*d.* for five quires of large paper for law books. 2*l.* 10*s.* paid to an Indian for five wolf's heads. Creditor. Portsmouth rate, 29*l.* 17*s.* 3*d.*, Dover rate, 20*l.*, Hampton rate, 23*l.* 17*s.* 3*d.*, Exeter rate, 11*l.* 9*s.* 4*d.* Total, 85*l.* 4*s.* Dated, Portsmouth, 2nd May 1681. Richard Martyn, Treasurer. *The whole document is signed by the Council, as the covering letter.* 7th May 1681. Sealed. 54 pages closely written. Endorsed. "Recd. 20 Sept. 1681." [Col. Papers, Vol. XLVI., No. 133 i.]

May 8.

99. Testimony of William Forbes, of Newichewanock. That about two years since, being one day in the town of Kittery, Major Walderne took out of his pocket a paper which he read in derision of the Government of England, and said there was no more a king in England than the man to whom he spoke. Attested by Robert Mason and Nicholas Shapleigh. Scrap. [Col. Papers, Vol. XLVI., No. 134.]

May 10.
Council
Chamber.

100. Journal of Lords of Trade and Plantations. Draft Commission and Instructions for Sir Thomas Lynch considered. The preamble altered to reserve Lord Carlisle's rights and mention Sir Henry Morgan's recall.

Petition of William Miles read, complaining that several debts are due to him from planters in Newfoundland. Agreed to recommend that [the Captain of] one of the men-of-war of this year's convoy be ordered to call the parties complained of before him, and do his best for such people as petitioner by his good offices, being empowered by a letter of attorney to recover just debts [Col. Entry Bk., Vol. CVI., pp. 261, 262.]

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May 10.

101. The President and Council of New Hampshire to Lords of Trade and Plantations. In continuation of our letter of 7th May (*ante*, No. 98) we have given an abbreviate of matters concerning Mr. Mason in a letter to the King. We hope that the dispute between Mr. Mason and the people here may not be finally determined against them till their side be heard, for they have no doubt of their ability to prove their ownership, and trust that the King will account the interest of a whole province greater than that of a single subject. *Signed as No. 98. 1 p. Endorsed. "Recd. 20 Sept. 1681."* [Col. Papers, Vol. XLVI., No. 135, and Col. Entry Bk., Vol. LXVII., pp. 13, 14.]

May 12.

102. Warrant by the Governor and Council of Jamaica offering a free pardon to all men serving under foreign commissions who return to their allegiance [from privateering] by 1st September following. *Copy. 1 p. [Col. Papers, Vol. XLVI., No. 136.]*

May 12.
Edinburgh.

103. Sir John Werden to Sir E. Andros. I have received yours of 29th April and 3rd May. The Duke is surprised at Mr. Griffith's offering to sue you, but it seems that this is connected with one of the charges against you. Mr. Woolley's delay is more disingenuous; the Duke will probably require him to give in his statements in writing to Mr. Porter. I have already written to you about the grants of New Jersey, and the bounds of Mr. Penn's patent. All settlements made in those parts ought to hold good, but I presume that the Lords of Trade and Plantations have taken to uphold existing rights. As to the islands in the Delaware they would seem to be excluded from Mr. Penn's patent, but the grants must decide the matter. *Printed in New York Documents, Vol. III., pp. 286-287. [Col. Entry Bk., Vol. LXX., pp. 34, 35.]*

May 13.
Virginia.

104. Colonel Nicholas Spencer to Sir Leoline Jenkins. God be thanked we are very peaceable and quiet. The Indians have troubled us little of late, which we ascribe to our garrisons at the heads of the rivers, who keep them in constant awe, and free the inhabitants from the dread of constant incursions. Our most formidable enemy, poverty, is falling violently on us through the low value, or rather no value, of tobacco. It is now so under foot that we have no hopes of its advancing enough to give us means of subsistence unless the King gives his assent to a cessation of planting for one year, so as to bring tobacco once more into esteem. At present we have no means of carrying on our existing undertakings, nor can we say what manufactures we can possibly manage. The general poverty checks the erection of iron or potash works, of which we have the natural means to produce great quantities. As to other commodities producible here, such as pipe-staves, timber works of all kinds, and corn, we have a possibility of doing enough with them to supply other parts, but our position is so remote that the cost of freight and transport devours the whole produce. Flax is our most hopeful commodity, though as yet, through our unskilfulness

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therein, it gives us little advantage. Time and need, it is to be hoped, will so improve our knowledge as to arrive at the perfection of skill, not only to supply ourselves, but to export sufficient to improve our condition. *Signed. 1½ pp. Endorsed. [Col. Papers, Vol. XLVI., No. 137.]*

May 14.
Portsmouth.

105. The Secretary of New Hampshire to William Blathwayt.
Your instructions to me were to do my duty to the public without reference to my friend Mr. Mason's concerns, and to write to you frequently. I hope that what I am about to write may not be disagreeable. Four several times at the meeting of the Assembly the Council pressed and threatened me if I refused the oath of secrecy. I told them that I intended to be guided alike by my duty to the Council here and to the ancient laws of England. As a compromise I suggested that the matter might stand over till I received instructions from England, but after that I was set on by the whole *posse comitatus* of the Council, both ordinary and extraordinary, including Mr. Moody, their archbishop. I positively declared that I neither could nor would derogate from the King's commission. I said just now that Mr. Moody was virtually of the Council, and I believe Mr. Mason will inform you of his superintending in all matters public and private, but I confess that I told him he was none of the Council. The occasion was upon his inculcation of my oath of secrecy, and his interpretation of the terms of my commission. He resented it so much that I fear I have done my business as a church member. The laws were made and published just as we came, except those for Courts and the rate which were lately done. When the Assembly was set to amendment and revision thereof I made my remarks such as they were. First, I took exception to the whole system in general as being collected mostly from the Massachusetts law book. Surely it would not please His Majesty that we should cast off obedience to the jurisdiction of Massachusetts, and yet yoke ourselves inseparably under its laws. Then I objected to the laws as unnecessary, the King having sent them out a great volume ready to their hands. I also objected to other and repugnant laws—as to the punishment of manslaughter by death, to the disallowance of marriage by divines and giving the power to Council, to the arbitrary sentence in case of fornication, of fine, marriage, corporal punishment, or all or any of them; to making larceny, robbery, and burglary not felony, nor punishable with death except at the third offence. The law of false witnesses differs from the English; that of confirmation is, I conceive, *ipso facto* repugnant. But every objection, except some verbal and literal errata, were overruled. Mr. Mason desired to enter a protest against this law of confirmation of town grants. I spoke on the subject and gave my opinion on it, both in its relation to the Commission and to English law. The opposition of many to Mr. Mason, owing to the example of their chief, is much to be deplored. Time, and a little more of his industrious spirit will, I hope, end matters well. I shall never be found wanting to defend

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his right where I have a fair opportunity. There is a verbal amendment required in the Commission. I mention it because his opponents lay hold of and wrest every word. *Holograph. Signed Rich. Chamberlain. 2 pp. Endorsed. "Recd. 24 July 1681. Read 10 Nov. 1681."* [Col. Papers, Vol. XLVI., No. 138, and Col. Entry Bk., Vol. LXVII., pp. 5-9.]

May 16.
Portsmouth.

106. The Secretary of New Hampshire to Lords of Trade and Plantations. I arrived at Portsmouth 24th December last, at the house of Mr. John Cutt, the President, lately deceased. I delivered your letter of 30th September, and the King's commission for me to be Secretary and Clerk of Council. On the 28th December the Council met, when the letter and commission were read. It was debated for about three days whether they would admit me or not, but at length on the 30th I was admitted. According to the duty of my office I requested that the books, papers, and records of the Council should be delivered to me, which were in the hands of one of the Council, Mr. Stileman. The Council book was refused to me on the ground that there was none. I therefore desired one to be made, and was told that the country was poor, &c., but afterwards, at their meeting in March, I had a waste book of the Council's Acts and Orders delivered to me to transcribe and keep; the fairer book then brought was to remain in Mr. Stileman's hands. He also retains the records and papers that are filed, in virtue of his offices of Recorder and Clerk of the Writs. He is also captain of the fort. To make my commission insignificant they have appointed three of themselves to be joint secretaries or registrars of the province—Stileman for the matters aforesaid and for Portsmouth and Dover, Samuel Dalton for Hampton and Exeter, and Richard Martyn to take charge of the shipping. I have told the Council that I believe it to be the law that persons who are judges in any court of judicature cannot also be ministers to the same court; it is derogatory to the King's service that the Deputy President of the province and a law-maker should also hold so mean an office as maker of writs and attachments. My fees are so small that they are not worth the naming. My salary and perquisites are ordered to be settled according to the measure of other colonies, but the authorities here do not see fit to do it, so that hitherto I hold but the name of an office, the profits being shared by the persons before named. I beg that the King will fix my salary and order the Council to pay it, and that the issue of writs and other due perquisites may be attached to my office. On the 2nd March the Council and Deputies met under the name of the General Assembly, to hear appeals. They first formally declared themselves a court of appeal, though they have no such power by the King's commission, and reviewed the laws made at their former meetings. When they were read I gave my opinion which of them were different, and which repugnant to the laws of England and the King's commission. Thus those for confirmation of titles and crown-grants, which are declared by the King's commission

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and letters to be illegal, I conceived to fall into the latter class. The Council tried several times to impose on me an oath of secrecy, and that I should enter no account of any matter or debate without their order. This I refused to do as inconsistent with my commission, with your orders, and with the duty of my place. It was hinted that unless I took the oath I should not be secretary, and it was afterwards moved that when they had any private business I should withdraw. I told them they might do their pleasure, but I should not suspend myself. They replied that they knew what they had to do, from which it is conjectured that they debate matters before they come to session. The deputies for the several towns are eleven. It is thought that they are nominated by the Council, and that the Council allows none but whom it pleases to vote at elections. I was at the election in Dover in February last, where Mr. Mason took the opportunity of making himself known to the inhabitants, of discoursing his interest as proprietor, and of making offers of confirmation and grant according to the King's proposition; wherewith many were well satisfied. At that time several demanded their liberty to vote, which was denied by Major Walderne, our present President. It was then said that but thirty were allowed to vote, and Mr. Mason, when he withdrew, was followed by many, complaining that a hundred and fifty persons, all payers of great taxes, were excluded from voting. The Council have written you an account of the province, and you may be glad to receive that of Mr. Mason, who perhaps will give more details, having been in most parts of it.

And here I must tell of what is perhaps the thing of greatest moment to this province, namely, what has passed as to Mr. Mason, who is declared by the King to be lawful proprietor of the province. The King, at Mason's coming to New Hampshire, appointed him of the Council, and ordered his commission declaring Mason's legal right as proprietor to be published by the Council. The President, John Cutt, being ill, the Council deferred the publication till February, but as soon as it was published, together with his agreement with the King for the satisfaction of the inhabitants, the people came in from all parts to welcome him. They desired confirmation of their estates, and to take grants for the same with the addition of more land. Some of them have lived for twenty years in these parts, and could never yet obtain the least parcel of land, as they complained, for their trade and subsistence. So in a short time half the province had been with Mason, and had entered their names with me as secretary, most of them complaining of heavy burdens and oppressions. But between Mr. Mason and the Council there has been no such good understanding as the King evidently expected. At his first coming the Council proposed to him that they should undertake to raise a yearly rent, payable to him in each town of the province, and to be managed by them. He refused, saying that he would treat with every one separately, and let them lands as he saw cause, and that if any of his tenants had cause of complaint he

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would redress it himself and not entrust the duty to others; moreover, the people generally desired to hold their estates of him directly. Hereupon the Council have endeavoured to give him all the trouble they can by dissuading the people from coming to agreement. I must confess that some of the Council have afterwards affirmed that they had no wish to hinder people from taking conveyances from Mr. Mason, but they will not endure that he be owned as proprietor as the King has owned him. At the General Assembly of 3rd March last Mr. Mason was present; all his grants and the King's orders were read to the deputies to give them all the satisfaction imaginable; they were so far from receiving it that they opposed Mr. Mason's title though unable to show any of their own, and encouraged the deputies to opposition and to preparation of a remonstrance from their respective towns. The Council doubted if Mr. Mason were the true person, and the deeds true copies; I was summoned to testify to my own hand, &c., but they doubted still because they would still doubt. I cannot omit to add that several scandalous libels about Mr. Mason were dispersed—that he designed to enslave the people, to make them pay two shillings for every chimney, and ten shillings for every room they kept fire in, that they should neither fish nor fowl, and the like, all of which I know to be utterly untrue. By my conversation with him I know that his aims are just the contrary; and he has carried himself so fairly that even his enemies admit that he is to be respected, and that none who came to him went away unsatisfied. The quarrel with the Council is the fault of the Council. Mr. Mason has no difference with the inhabitants; they say, I am told, that they are ready to agree with him if the Council will order it. The objections of the dissentients to his title are too paltry and too readily changed to be worth notice. Now they pretend a grant from the Indians—now a pretended conquest from the Indians. The whole truth is that they have given each other great tracts of Mr. Mason's land, and sold it to divers persons without any legal title, and they therefore expect the purchasers to come upon them for the purchase money. At present they have made a law to confirm town grants. I gave my opinion, at the time of revision, that it should be repealed as repugnant to the commission. They did repeal some laws, as, for instance, one that punished rebellious children with death, yet this confirmation was not repealed. Mr. Cutt, who died at the latter end of March, was an honest, loyal gentleman who acknowledged the proprietor, stood for his rights and purposed to take his grant from him. As to his successor, Richard Walderne, you will hear more from Mr. Mason, who has taken several depositions (*see ante, Nos. 69, 99*) about him. There was a debate as to filling the vacant place in the Council, but no entry is yet ordered of names to be submitted. Mr. Mason has refused to sit and act in the Council, as he judges their proceedings to be illegal. The people complain of great taxes, and that they know not how they are expended. 4 pp. *Holograph.* Signed, Richard

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Chamberlain. [*Col. Papers, Vol. XLVI., No. 139, and Col. Entry Bk., Vol. LXVII., pp. 14-22.*]

May 17. **107.** The representation of Major Nicholas Shapleigh, Captain New Hampshire, Francis Champernoun, Walter Barefoot, and William Bickham, to the King. We beg to lay before you the condition of New Hampshire. The greater part of the Council are such as were in authority while the Province was under the jurisdiction of Massachusetts, and zealous promoters of that interest. When Mr. Randolph brought your commission for establishing your own authority therein, although they were appointed by you to be of the Council, yet they opposed the settlement thereof to the utmost of their power, and did not accept the Commission till some days later than the term fixed by you, nor indeed until the late President, John Cutt, summoned the inhabitants to Portsmouth to hear the Commission read, and to make provision for the peace of the Province pending your further instructions. Ever since they have showed every appearance of disobeying your orders, and have imposed on the province the laws of Massachusetts. The inhabitants generally are loyal subjects, and inclined to obedience to you, but they are kept in subjection by the present Council under pretence and name of your royal authority, so that they are afraid freely to speak their minds. The taxes laid on them are great and intolerable, and no account of their expenditure is given. The only visible expense is eating and drinking, the Council always meeting in an ordinary. On the arrival here of the honoured Mr. Robert Mason, the lawful proprietor, the people from all parts came to welcome him and to obtain from him confirmation of their lands, and we may confidently say that there was not one man but would have readily complied with him, but for the persuasion and other indirect measures of the Council, who have obstructed him all they can in the peaceful settlement of the province, by spreading false reports. Even his adversaries confess that his behaviour commands respect, and that if they must be tenants of any one man, they would rather be tenants of him than of any man living. The heirs of John Mason have always been esteemed lawful proprietors here, and it is well known that he expended many thousand pounds in building, planting and stocking, of which others have reaped the benefit; and the chiefs of the Council have made themselves rich by selling his timber and by giving each other large tracts of his lands. The proprietor is going home to represent these things to you. We pray to be freed from the oppression of unreasonable men. *I p. Signed,* Fran. Champernoun, Wm. Bickham, Nic. Shapleigh, Walter Barefoot. *Endorsed,* "Reed. 24 July 1681." [*Col. Papers, Vol. XLVI., No. 140.*]

May 17. **108.** Testimony of John Machin of Exeter, New Hampshire, that John Gillman, one of the Council, said in his hearing in March last that the King had nothing to do in the province, nor had

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rights to grant lands therein (*see ante*, Nos. 69, 99). Attested by Robert Mason. [Col. Papers, Vol. XLVI., No. 141.]

- May 17. **109.** Journal of Lords of Trade and Plantations. Sir Thomas Lynch's Commission considered. Ordered, That it be prepared without any recital or mention of Lord Carlisle's Commission or Government. [Col. Entry Bk., Vol. CVI., p. 262.]
- May 17. **110.** Minutes of Council of Barbados. The Assembly was invited to send members to a conference over the Bill for a Committee of Public Accounts, which members concurred with the proposals of the Council in respect thereof. His Excellency reminded the Assembly of the great necessity for distributing the magazine in several parts of the Island.
- May 18. The Assembly brought up the Bill for a Committee of Public Accounts, which was thrice read and passed into an Act. Bill to confirm the lease of Fontabelle thrice read and passed. A Bill to explain the Act establishing the Courts of Common Pleas was twice read and dismissed. Bill for *habeas corpus* read a first time and reserved for consideration. The Assembly sent a list of gentlemen among whom the magazine might be distributed, to which the Governor replied that he would issue orders to the keeper of the magazine to effect the distribution forthwith. A motion from the Assembly touching the Court of King's Bench and Chancery was read and laid aside. The Assembly presented several orders for payment of gunners and matrosses, and an order that John Hallett might not be a sufferer from the Bill of Public Accounts. All of which were passed. The Speaker also made his request concerning Kennedy's surrogate. [Col. Entry Bk., Vol. XI., pp. 344-347.]
- May 17. **111.** Journal of Assembly of Barbados. Address to the Governor passed, requesting him that the proceedings of the Court of Chancery may be public, and that the members of the Council may be sworn (*see next abstract*). Message from the Governor asking that members be appointed to confer with a Committee of Council on the Bill for a Committee of Public Accounts. Christopher Codrington, Edward Littleton, John Davies, William Sharpe, and James Walwyn appointed. Bill to confirm the lease of Fontabelle to his Excellency passed. Bill appointing a writ of *habeas corpus* passed, and ordered to be transcribed against to-morrow morning.
- May 18. On petition of the gunner, mate and matrosses of the several forts, ordered by the Governor, Council, and Assembly that John Hallett pay 14,660 lbs. of masecovado sugar to Captain Thomas Rawlings, chief gunner of Oistin's Bay, and to his three matrosses as salary for sixteen months from 25th November 1679 to 25th May 1680; 15,890 lbs. to Henry Jacob, gunner of Charles Fort, and to his mate and matrosses for salary from 14th July to 14th January last; 5,500 lbs. to William Baynes, gunner of James Fort, and to his matrosses for same period; the like sum to Archelous

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Bowdidge, gunner, and the matrosses of Willoughby Fort, to John Hare and the matrosses of the battery, to Thomas Sackfold, gunner of Fontabelle Battery, and his matrosses; 2,500 lbs. to John Taylor, gunner of the line in the Bay, and to his matrosses. The Speaker desired to move the Governor to put a stop to the proceedings of Mr. Kennedy's surrogate and order him to return all fees that he may have received, also to thank his Excellency for his care in proposing the method of building and repairing fortifications. Bills for *habeas corpus*, and for confirming the lease of Fontabelle, read and passed. Bill explaining the Act establishing Courts of Common Pleas passed. Bill appointing Committee of Public Accounts received from the Governor and Council, with an addition made by them, and passed. Ordered, That notwithstanding the passing of the said Act the Committee should take care that John Hallett, Treasurer, should not be a sufferer thereby. Adjourned to 7th June. [Col. Entry Bk., Vol. XIII., pp. 427-432.]

Oct. 5.
[May 17.]
Barbados.

112. Address of the General Assembly of Barbados to Governor Sir Richard Dutton. It is enacted by law of the Island that the Governor, Council, Judges, and Justices of the Peace shall hold General Sessions every six months, in pursuance whereof the said Council, Judges, and Justices have always acted as members of that Court, and have constantly had their free votes in all judgments there given, and all fines imposed. Your Excellency at the last General Sessions, not being informed of this, imposed several fines without their concurrence, which we look upon as a dangerous innovation, likely to be of grievous consequence under governors less just and moderate than yourself. We beg therefore that you will preserve us our old law and customs, re-admit the Council, Judges, and Justices to the power given them by law, and stay execution of the fines imposed by you, as we think them unwarranted by law. *Signed*, John Higinbotham. *Copy*. Certified by Edwyn Stede, 7 Oct. 1681. 1 p. *Endorsed*, "5 Oct. 1681, to the Governor." [Col. Papers, Vol. XLVI., No. 143.]

May 18.
Portsmouth.

113. Warrant for the apprehension of Robert Mason, and for bringing him before the President and Council, if sitting, or, if not, before Richard Walderne and Elias Stileman, or any two of the Council, to answer for his usurpation over the King's authority in publishing a declaration dated 2nd May 1681, wherein he summons the President and Council and others to appear before the King in three months. *Subscribed*, "This was written with Mr. Stileman's own hand, whereof it is *vera copia*. Rich. Chamberlain." $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. XLVI., No. 143.]

May.

114. The Speech of Samuel Bernard, Speaker of the Assembly of Jamaica, to Sir Henry Morgan. The usual declaration of personal unworthiness, and of the dutifulness of the Assembly towards the King, and the ordinary claim of the Assembly's privileges. 1 p. [Col. Papers, Vol. XLVI., No. 144.]

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May 18.
St. Jago
de la Vega.

115. Sir Henry Morgan to Lords of Trade and Plantations. Pursuant to my instructions I summoned a Council, and by their advice ordered the issue of writs for the election of a General Assembly, which accordingly were returned on 18th March last, when they chose Samuel Bernard, Esq., a person of ability, for their Speaker. At the first opening of the Assembly I found them fairly inclined, from their great satisfaction at the King's restoration to them of their formerly enjoyed privileges ; but when I had insinuated among the leading men the strictness of my instructions to press for a perpetual revenue, and they communicated it to their brethren, they inclined to some heats. However, that they might gain time for their cooling, they presented a Bill for the keeping of the revenue for forty-four days, with an additional clause imposing five pounds on every negro slave that should be exported out of this Island, to be paid to the King. This imposition was occasioned by the merchants supplying the Spaniard with great numbers of negroes rather than the planters, whose necessities pressed them much for a good supply. I wanted not reason enough to refuse the Bill, but two Madeira ships were just arrived whose duties amounted to about 800*l.*, and were in hazard to be lost, and moreover abundance of interloping negroes were on the Island, purposely reserved for the Spanish trade. I was anxious also myself to avoid anything that might make them uneasy on the first entrance into business, so by the advice of the Council (one only excepted) I gave this Bill the Royal Assent, but with a caution to the Speaker and Assembly that they should not make it a precedent for any such Bill in the future. At their meeting after their adjournment in Easter holidays I could not find in any of them an inclination but rather an absolute averseness to a perpetual revenue, so I was driven to my private instructions (*previous Vol., No. 1572*) for the gaining of it for at least seven years, which by all means I did endeavour, but as yet ineffectually. Soon after they fell into a dispute, managed at several meetings of Committees of the Council and Assembly, about the style of enacting laws, to which I am as strictly tied as to the observance of the term of seven years for the Revenue. Having laboriously possessed them with the indispensable necessity I lay under of obeying my instructions, from which I durst in no way swerve, and without obedience to which they could not enjoy the full fruit of the King's gracious favour, I at last communicated to several of the members as private gentlemen, the two paragraphs, one of my private, the other of my general instructions, touching the revenue and the style of enacting. Finding me under so absolute a necessity of so strict observance they began to be of a better digestion, but recollecting that they had prepared a great many Acts in an enacting style which I could not admire, and had passed them twice in the House in a wrong style, they were prevented from making the necessary alteration, which they were inclinable to make, without violating the parliamentary way of making Acts. Most of them being under great impatience to be at their plantations, being all in the chief

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of their work, they generally and unanimously desired that they might be prorogued, that they might begin again that which, when more successfully finished, might the better speak their thankful acknowledgment of the King's most gracious condescension in granting them their ancient privileges. Upon which by advice of the Council I prorogued the General Assembly till 24th June next, and, meanwhile, I am labouring all I can to gain the Revenue Bill for seven years, wherein I have encouragement to hope for success. I fear your Lordships may have had a late disorder in your opinion of my management of this Government by a proclamation pretended to have been made here for the intercepting of interlopers. It is of the same birth and nature as many other undeserved aspersions thrown privately against me by malicious adversaries, who through me would have maligned the Government, and dare not give me an opportunity of so fair a vindication as I now lay at your Lordships' feet (*see next abstracts*), where I do not doubt of an honourable justification. May I no longer live and prosper than I honour and obey my king. *Signed,* Henry Morgan. *Inscribed, "Recd. 5 Aug. 1681."* 3 pp. [Col. Papers, Vol. XLVI., No. 145, and Col. Entry Bk., Vol. XXX., pp. 47-49.]

May 18.
Jamaica.

116. The Council of Jamaica to Lords of Trade and Plantations. Understanding by the pamphlet herein enclosed that some evil-disposed persons have caused a proclamation to be put in print as passed here by our Governor in a form much reflecting on our Government, we hold it our bounden duty to clear it from that aspersion, and, if possible, to find out the contrivers of the forgery. To which end we called before us divers of the officers, civil and military, who being examined upon oath all unanimously declared that they never saw or heard of such a proclamation before the said pamphlet was produced here. And we also on our parts do assure you of the same. But the foundation of the report (which some malicious men at home have aggravated by additions of their own) appears to have proceeded from the indiscretion of the Secretary, who, being also one of the factors of the Royal African Company, was to prepare a warrant of assistance for the seizing of interlopers to be signed by the Government. He making an ill choice of a form and committing that to a scrivener to be transcribed, divers copies were obtained and sent for England, where they were printed under the title of a proclamation, with the name of Sir Henry Morgan subscribed to it; whereas it is certain that Sir Henry Morgan never so much as saw the said warrant (as it was so prepared). This was no sooner communicated by the said Secretary to the Company's other factor than he suppressed it, and drew another of a very different form, as your Lordships may see here enclosed, which is the only warrant of that kind that ever was signed by the Governor, or presented unto him to be signed to the best of all our knowledge, which in all humble duty is certified by (*signed*) Thos. Ballard, F. Watson, H. Moles-

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worth, Charles Modyford, Jo. Cope, Thos. Byndloss, J. Fuller, The. Cary, John White. *Inscribed*, "Recd. 5 Augst. 1681." *Annexed*,

116. i. Smith's Protestant Intelligence, Domestick and Foreign. Number 12, dated Monday, 7th March to Thursday 10th March 1681. A newspaper of a single printed sheet, containing the forged proclamation against interlopers in Jamaica.
116. ii. Proclamation against interlopers who encroach on the monopoly of the Royal African Company. *Signed*, Henry Morgan. *Countersigned*, Rowland Powell. *Inscribed*, "Recd. 5 Aug. 1681." [Col. Papers, Vol. XLVI., Nos. 146, 146, I., II. Letter (without enclosures), Col. Entry Bk., Vol. XXX., pp. 51, 52.]

May 18.

St. Jago
de la Vega.

117. Minutes of Proceedings of the Council of Jamaica for the investigation of the forged proclamation against interlopers (*see preceding abstract*). Present, Sir Henry Morgan and the nine Councillors whose names are subscribed to the letter to the Lords of Trade and Plantations. Detailed examinations of Francis Hanson, lawyer, Henry Ward, merchant of Port Royal, John Montfort, writing master, Edward Yeamans, Provost Marshal, Thomas Martin, Receiver-General, Anthony Swymmer, merchant, Captain Richard Herne, Doctor of Physic, Captain Charles Penhallow, merchant, Captain Edward Gardiner, brazier, Captain Thomas Hodgkin, merchant and naval officer, Edward Story, Deputy Provost Marshal, John Star, clerk to the Provost Marshal, and Rowland Powell, Secretary of the Island. From which it appears that Powell took the original draft of a proclamation from Hanson, amended it and gave it to John Montford to be copied; that Montford with Powell's consent gave a copy to Henry Ward, who sent it to London. The proclamation meanwhile was found wanting by the Council, and a new one was drawn. How it came to be printed in London no witness can tell. 8 pp. [Col. Papers, Vol. XLVI., No. 147.]

May 20.

St. Jago
de la Vega.

118. Sir Henry Morgan to Secretary Sir Leoline Jenkins. Gives a summary of his letter to the Lords of Trade and Plantations (*ante*, No. 115) and continues. Colonel Samuel Long and Mr. Jonathan Ashurst with their families are lately arrived by Captain Bannister. They are of a much more moderate temper than when they left us, and seem to sit down with us in a more sedate and satisfied condition, having before their departure possessed the people with a very strange assurance that they should receive what their hearts desired from the success of their solicitations at Whitehall. Since their arrival I have been very careful in following your instructions for their reception and entertainment, and I question not but they will be careful of exposing themselves to such another voyage. *Signed*. *Endorsed*, "Recd. 6 Aug." [Col. Papers, Vol. XLVI., No. 148.]

Duplicate of foregoing. [Col. Papers, Vol. XLVI., No 149.]

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May 25.

119. Lords Proprietors of Carolina to Governor and Council of Ashley River. Mr. Archdall, purchaser of Lady Berkeley's proprietorship, wishes to buy 12,000 acres of land and a town-lot in Charlestown. Pray give his Agent assistance in choosing land. [Col. Entry Bk., Vol. XX., p. 196.]

May 26.
Patuxen.

120. Nicholas Badcock to the Commissioners of Customs. In my last to you by Captain Samuel Groome I gave you a full account of your affair here, as well as of all that has been done since my coming, of what is amiss, and of the remedies required. Four ships have come in from England, the Freeman of Liverpool, Edward Tarleton, commander, the St. George of London, Captain Shephard, the Dolphin of Poole, Captain Dennet, and another whose name I cannot yet hear. All have certificates of being bound for Ireland, as well as England, Wales or Berwick. The Act restraining the word Ireland in all bonds is now out, but I conceive, by the Act for the better security of the plantation trade, that the plantation duty is nevertheless due and payable. I therefore, directly I had the first sense of it, repaired to West Wighcocomeca, about thirty-seven miles from hence, and demanded the duty of the Master of the St. George, who had begun to load. He told me he would do nothing in the matter but refer me to the Governor. I returned next day to Patuxen, by which time the Dolphin was come in, and got sight of the master's certificate, Lord Baltimore, as is frequently the habit of him and his officers, having granted it to him again, by which means I believe that they often make them serve for the next year. Finding him bound for Ireland I told him that by the law for securing the plantation trade he must still pay the plantation duty, notwithstanding the bond that he had given in England. He told me that he would go on shore with me and give satisfaction, but goes instead to Lord Baltimore, who presently orders him to sail for his lading port, and as I hear has promised to defend him and save him harmless. Finding that he had thus dodged me and was gone I went to wait on Lord Baltimore about it, showed him that the duty was due, and begged for his assistance. He seemed teased and angry that I concerned myself with them, refused me all assistance, and told me I should not meddle with them. I waited on him three several times, and argued all points on the matter, but nothing would induce him to assist me. At last he ordered me to appear before the Council at St. Mary's, which I accordingly did, and then I prayed in the King's name for the aid of the province to levy the King's duty or seize the goods, for I was satisfied that by the law it was due. They absolutely refused it, and told me that I ought not to meddle with it, for I had nothing to do with it. These four ships will carry from eighteen hundred to two thousand hogsheads of tobacco at least, worth at least 2,500*l.* in the plantation duty. We are hindered in several other matters, and in general in the due execution of our duty, and particularly in my own office. I find therein business enough to be done and matter enough to go upon, if I had full authority to act without interruption as in

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England. Although several persons have despised and laid down the employment, yet I find that with authority and good management it may be made a good employment. The main impediment has been the discountenance of the Government, which, particularly in the present great affair, has greatly daunted me. I was encouraged to come here by my knowledge of the capabilities of the office, but, now that the Act is expired, this is wholly cut off by the Governor, so that I have nothing to do but to wait on you for remedy. There are more things out of order here than I can express. I hope you will find me a remedy for the loss that I thus sustain at the Governor's hands, for I had spent my all in the expense of waiting on you and coming hither; and to be thus overborne is most grievous. I understand that Lord Baltimore's three sons-in-law and our Secretary are the chief actors, and are most interested in the freights of these ships; and that the ships stayed so late on purpose to bring such certificates with them, hoping that the matter would pass unnoticed. *Copy. 2½ pp.*
Endorsed, "Read 10 Dec. 1681." [Col. Papers, Vol. XLVI, No. 150, and Col. Entry Bk., Vol. LII, pp. 57-61.]

May 28.

121. The Lords Proprietors of Carolina signed a commission to Sir Peter Colleton's brother, Thomas Colleton, to be a landgrave of Carolina, by their nomination. *Memorandum.* [Col. Entry Bk., Vol. XX., p. 172.]

May 30.

122. Edward Randolph to Lords of Trade and Plantations. In the matter of instructions to regulate judicial proceedings and to check the illegal trade of the Bostoners, I propose that the Attorney-General should give his opinion on the following queries:—1. Whether seizures made of ships and cargoes illegally imported into New England, brought to a trial and cleared by jury, upon appeal in Court to the King in Council cannot be brought to a new trial on the spot? What directions are necessary to procure the same? How should juries be dealt with who in trials relating to the King's affairs bring verdicts contrary to evidence and the letter of the law? 2. Whether the order made by the Court at Boston on 1st October 1680, requiring the payment of ten pounds for calling a special Court, be valid, and should be paid by the King's officers in causes relating to the King's affairs, and whether the several sums of money already paid by virtue of that order, as also all costs and damages given against the King, and fines arbitrarily imposed on the King's officer, should not be repaid; and if repayment be refused how are they to be recovered? 3. Whether the Government of Boston has the right to receive fines and forfeitures paid on breach of the Acts of Trade and Navigation; and whether such fines ought not to be paid by the King? 4. Whether the Government of Boston has power to impose customs and other imposts on English built shipping, and on commodities which have paid the King's duties in England, Wales, &c., and on goods imported from the King's foreign plantations where these duties are directed by law to be paid? 5. Has the Boston Government power

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to lay a duty upon live stock brought to market in Boston from the neighbouring Colonies, and to levy taxes on the lands, estates and persons of the King's subjects as often and in what manner they please, without the King's consent? 1 p. *Signed.*

On the opposite page.—The Attorney-General's answers to these queries:—

1. Where a verdict is given upon an information upon a seizure or other penal law, no appeal lies; and it is rarely that a new trial is awarded unless some miscarriage be proved upon the defendants by tampering with the jury, or the Court be satisfied that the verdict was given against plain and direct evidence, and against the direction of the Court.
 2. In my opinion the order of 1st October 1680 is against law, as well as all orders to the King to pay costs; also that they may be appealed from to the King and Council, who may order the money unduly levied to be repaid.
 3. The Company is not entitled to the fines and forfeitures; one moiety of them goes to the King and one to the informer; the Company is accountable to the King for what they have received of him, and it should be directed to pay the King's moiety to the King's Receiver.
 4. In my opinion the Company has no power by its charter to lay any impost upon any not free of the Company, nor upon any ships or goods coming from other Colonies.
 5. I find no power in the Charter to impose such taxes, specially upon those not free of the Company.
- Holograph. Signed, R. Sawyer. 30th May 1681.
 $\frac{1}{2}$ p. Endorsed. [Col. Papers, Vol. XLVI., No. 151, and Col. Entry Bk., Vol. LXI., pp. 120, 121.]*

May 30.
Barbados.

123. Governor Sir Richard Dutton to Sir Leoline Jenkins. Since assuming the Government I have been zealously endeavouring to carry out my instructions. I began very early to regulate God's house and worship, which had been but too much neglected by former governors, which made the people schismatical, factious, and consequently disobedient to authority. There were very few persons in most parishes that received the sacrament once a year, and there are more that never received it in their lives. This I hope to reform, having ordered the sacrament to be administered monthly in every parish church, of which I have already found the effect to be good, not only through the command but through my own example. I have also held a visitation to enquire after the ordinations and presentations of the clergy and all public school-masters, to see that they were conformable with the discipline of the Church of England and that they instructed the children in the catechism. These two enquiries have caused great surprise. One who pretended himself to be a clergyman, who had been tolerated by the Government for four and twenty years, who was actually in possession of two livings, administered both the sacraments, married all that came to him, and was vicious in the whole course of his life—this man confessed that he had never been ordained. Yet though this clergyman be a man of all these ill circumstances, my predecessor, Sir Jonathan Atkins, is offended that I should suspend so infamous a person. I am sorry that I must so describe him, but

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there is so much to his shame that I use the word truly. And that you may better understand the temper of the people whom this man had so long influenced—upon my suspension of him one of the parishes called a vestry and resolved to steal him off this island, and this in violation of a fundamental law of the island which provides that all who intend to leave it must register their names at the Secretary's office, and that captains of ships must give a bond of 1,000*l.* that they will receive no passengers that are not so registered. Yet, notwithstanding this, they gave the captain counter-security to indemnify him (in case his bond were put in suit) if he would carry this fellow to England, and moreover gave him credit in England for 500*l.* not doubting but that sum would prevail with any bishop to give him ordination. I wrote the whole affair to the Bishop of London, and I hope he will take care that no such vile person be admitted to holy orders. He has married so many persons, the legitimacy of whose children will be questioned, that I am solicited to pass a Bill for the confirmation of those marriages to prevent suits at law. I have been tedious in my relation of this affair, which I have also transmitted to the Bishop of London lest any surprise should be attempted, and I should be discouraged from the prosecution of such vermin. When this was done I called an Assembly, to whom I communicated the King's gracious act in commuting the four-and-a-half per cent. duty, which was seemingly received with all expressions of gratitude. But since that time (whether they cannot find another fund or that they care not for the King's offer because it is favourably made, I know not) they have taken no step to provide for the equivalent revenue to the King. I have passed only two Bills, the one for the building and repair of fortifications, the other for a quick recovery of arrears of taxes due under a former Act. They have since sent me a bill of *habeas corpus*, to follow the method of our English Parliament; which I think will not come so far as to have my assent or dissent, the Council being resolved to take the refusal of it upon itself. However, by the grace of God, I shall never give my consent to lessen the King's authority in any kind, to gain all the treasures of the Indies; for I find they intend to lay this as a snare either to throw me upon the King's just displeasure or to make it a cause of quarrel with me, so as to give me no present as they usually did to all their governors. I do not fear the latter, for I know I have a good master who will not suffer me to be totally ruined after forty years in the service of the Crown; but I must be ruined unless he be pleased to think of some way of augmenting my salary, this place being very expensive in every way. I have not yet received one penny from the King or this country, and am already out of purse over 3,500*l.* being resolved not to appear but with honour in the King's service. I am very uneasy that it is not in my power to prevent the dispersing of cursed pamphlets and libels which are sent from England in great numbers and influence people whether well or ill disposed.

The Assembly are to meet again Tuesday sennight. They intended to settle the excise on liquors for a year for the payment

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of their debts, but that intention was obstructed two years ago by some from England that loved neither the King nor this country. It was upon a quarrel with Sir Jonathan Atkins, on the pretence that the King intended to lay his hand upon it as soon as passed, and divert it like the four-and-a-half per cent. and give it to Lady Portsmouth. The same falsity is now revived and, I may say it confidently, in part by Sir Jonathan Atkins, who has privately insinuated it into the heads of some of the Assembly, to the great dishonour of the King, and the lessening of my reputation with the people. On their meeting therefore I shall pawn all my credit (as I may justly do) with them, to convince them of the malice of the report which formerly brought such inconveniences in the Island. I am unwilling to do anything that may seem harsh to one who so lately preceded me in this Government, but should he pursue his peevish humour I shall stop him in his career. There are two things more which I must ask you to recommend to the King. One is the settlement of an exchequer here, for want of which the royal authority is much contemned. No man values the forfeiture of a recognisance nor any fine that is imposed on him. The other is to have an Attorney-General, with a competent salary out of these fines and forfeitures. I would recommend for that employment Mr. Richard Seawell, who is one of the best lawyers here and a loyal man, and would, I am confident, endeavour to further the King's interests. These two things done, I doubt not in a little time to bring the people to a better temper. I have now reduced the judges and all the pretenders to the law to wear gowns to distinguish them from other men; for till now the lawyers came to bar with their swords by their sides, as if they went thither not to beg but to defy justice. Their pleadings, which were nothing but confusion, are now as orderly as Westminster Hall. I am now reducing the militia to greater usefulness and efficiency. The Quakers are very numerous and insolent, but I shall find an expedient to humble them, or make them conform to the law better than yours in England. Still I will have the law of God and the law of my men on my side, and being sure of them I shall not fear to punish those that disobey them. I shall by next opportunity send the Acts that I have passed, and an account of the militia and of the whole Government. This will be in about a month's time. Meanwhile please give leave to Mr. Chaplain, my agent, to address himself to you with a petition of mine to the King. 5 pp. [Col. Entry Bk., Vol. VII, pp. 67-72.]

May 31. **124.** The President and Council of New Hampshire to the King.
 Portsmouth,
 New Hampshire. We have received from Mr. Mason your orders to report to you our current transactions. On the arrival of Mr. Mason and Mr. Chamberlain we at once in obedience to your orders admitted the one as member of Council and the other as Secretary. Since then John Cutt is dead, and Richard Walderne is Governor in his stead, with Elias Stileman for deputy. We have also framed laws not repugnant to the law of England, and as far as we can make them so, identical and consonant with them. We doubt not but

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that when confirmed by you they will attain the great ends of keeping the people in a right understanding of a submission to your Majesty's authority, of suppressing vice and encouraging virtue. Our great difficulty now is Mr. Mason's pretension to proprietorship of the lands which we possess. He has some countenance to his claim in your commission, which we cannot but think he has gotten by indirect means, and untrue information, in which he abounds. We are informed that he has no authentic original or duplicate of any part of the soil, nor has obeyed the conditions of such grant, if made to him, viz., the peopling of the place, and enlargement of your dominions, both of which have been vigorously intended by the present inhabitants. The vast expense of estate is mostly if not entirely pretence. A house was hired in this province, but most of the money was spent in Maine, on the other side of the river, and for carrying on an Indian trade in Laconia, in all of which his grandfather was but a partner. Yet he would appear among us as sole proprietor. He says that we have no right but what is derived from Massachusetts in virtue of an imaginary line. This is another of his groundless imaginations, for we were possessed of the soil long before Massachusetts meddled with us; indeed, we invited Massachusetts to govern us when we had learned by our combination to prevent the confusion of anarchy. We could not govern ourselves, and being under their government used their system of allotting lands, but never thought of deriving any propriety from them in these lands which under you and your royal predecessors were accounted our own. Our articles with Massachusetts will show on what terms we stood in respect of our lands. Instead of the final expulsion by Massachusetts, alleged by Mr. Mason, we can plentifully prove that the undertaking was slighted, and the whole place deserted both by Captain John Mason and his agents many years before Massachusetts was concerned therein. Mr. Mason's behaviour while among us has not been dissonant from the false information given by him against us, but rather such as you will judge to be very unbecoming to his place and pretensions. Thus he amuses poor people by threats, and insinuates into them by fair promises and by false intimations against the Council. He imperiously requires the Council as proprietor to attend his pleasure, speaking and behaving contemptuously towards them, a ready way to lower your royal authority by which the Council acts. He collects several names, some of which are under age, some servants and apprentices, and some disclaim any assent thereto, by which he thinks to make a great show elsewhere. But the truth is that all the names he has obtained, excepting some few that were frightened and deluded into they knew not what, are of people of a quality little creditable to them or to him. To these he has granted sundry improved lands and pastures where our timber and firewood grow, without which there is no possibility for our subsistence. He refuses to admit any application to the Council. He has also called in strangers, and promises to dispose of our lands to them, to the great prejudice of old settlers. He also tells us

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and the people' that unless we comply he will return forthwith to England and assume the Government of the place long ago granted to his ancestors but lately graciously surrendered to you, choose his own Council, and do as he thinks fit. However, we know by your commission that no such government was ever granted. The inhabitants, seeing the coming evil, petitioned the Council to interpose between Mr. Mason and them. They complain sadly of the disturbance they have met with from him, and dread its consequences. Indeed, we have been obliged to issue a declaration for the keeping of the peace, lest further mischief should follow. They have been put to vast expense of time and trouble; they see the impossibility of living if Mr. Mason prevail, and that they will be constrained to move to some other place where they can hope to be delivered from such impositions. And this after they have worn themselves out with hard work to get a poor living, and after expending their estates upon a wilderness. It would be a wilderness still for all that Mr. Mason has done towards improving it. The subscribers to this petition are the generality of the whole province, of any principles, port or estate. Many of those whose names Mr. Mason set down in his book have voluntarily signed the petition to Council. And, such is the affecting *cry* of your poor distressed subjects, they tell us that their only hope under God is in your goodness, mercy and equity, and they crave leave to speak for themselves, not doubting but they shall be found loyal subjects and lawful proprietors of the land which they possess. Since you did not absolutely command us to own Mr. Mason as proprietor we hope we shall not be counted as offenders for our slowness to become tenants to any subject, a thing which bears so ill among us in this vast wilderness, whither our fathers transported themselves in hopes of better things. And since we have your command to interpose between Mr. Mason and the people, we give our opinion that Mr. Mason has rendered that command impracticable. Unless a case can be agitated and debated by the people concerned, it cannot be stated, nor opinion given of it. But this Mr. Mason utterly declines, though we have often offered it. His only answer was that he was not concerned with Councils, towns or societies of men, but with every man individually. We crave pardon for any undue rudeness or prolixity. *Signed*, Richard Walderne, Elias Stileman, Richard Martyn, Wm. Vaughan, Tho. Daniel, John Gillman, Christopher Hussey, Samuel Dalton, Job Clements. *One closely written sheet.* *Endorsed*, "Recd. 20 Sept. 1681. Read 10 Nov. 1681." [Col. Papers, Vol. XLVI., No. 152, and Col. Entry Bk., Vol. LXVII., pp. 22-29.]

May.

125. "Considerations about Sir Thomas Lynch, his commanding in Jamaica." If he have a commission as the King's Lieutenant-Governor it must be separate and independent without relation to any chief Governor, or he will be rendered incapable of serving His Majesty. If he have a Lieutenant-Governor's commission, and in that commission my Lord Carlisle be declared to exist, he will

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then be more my Lord's Lieutenant-Governor than the present Lieutenant-Governor, and cannot, whilst such a commission is impending, settle the affairs of the Colony, for the following reasons:—
 (1.) If the excesses and irregularities which have been committed under this commission give the subject and Spaniard cause of complaint, it may be needful to change it. (2.) Whosoever is sent as my Lord's Lieutenant-Governor must receive his orders, and countenance his dependents, though blameable, or his Lordship will be as much disengaged as if the title and government were immediately taken from him. (3.) Whilst there is a commission in being, it is impossible to have power or credit to do anything there, as was experimented by Colonel Jeffreys in Virginia (*see previous volume, preface*), and by Sir Thomas Lynch the last year of his government [1675]. (4.) If my Lord has credit to keep the government after all that has been or may be said, his power here and favours there will make it ruinous to a Lieutenant-Governor that gives him not account and profit from the Government. (5.) A Lieutenant-Governor cannot go hence but the expense of his equipage forward and backward will amount to above 3,000*l.* If His Majesty therefore be desirous of sending a Lieutenant-Governor there is a necessity of giving him some advance, and the same salaries as the present Lieutenant-Governor has had; for a Lieutenant-Governor will get no salary there, it being writ from thence that they will settle no revenue until they know their Governor, and they will never fix it while they apprehend it may be remitted to Governors here. *Unsigned.* 2 pp. Endorsed with date, May '81. [Col. Papers, Vol. XLVI., No. 153.]

June 3.
Boston.

126. The Secretary of Massachusetts to Sir Leoline Jenkins. We humbly acknowledge the King's letter of 30th September 1680, giving us a further opportunity to attend him; and lest we should seem ungrateful we trouble you with the following account of ourselves. On the receipt of the said letter, although through the extremity of the cold and snow it was difficult for the Freemen to assemble, the Governor summoned a General Court. It met on 4th January, and heard the King's letter read. We first considered the choice of Agents, that they might have timely notice to prepare themselves to embark at the first opportunity. We considered their instructions, and we carefully perused the laws to which the King's Attorney and Solicitor-General had taken exception, and have made great progress to a conclusion. We also published the King's orders to our villages on the south of the Merrimac. Mr. Mason pretends to some part thereof, but neither we nor the inhabitants know his boundaries. We trust that this will suffice with the King to silence the clamour and groundless pretences of this complainant. "But so it is, Right Honourable, that we cannot prevail with persons in any degree qualified [to act as Agents] to undertake such a voyage at this time." We have made choice of several men but received the consent of none. The present calamity of others of this country who are slaves in Algiers, one of them [William Harris] an Agent from one of these Colonies, is a great

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discouragement. Harris is not yet ransomed, and we fear that the ransom for one taken in such a character would be higher than a poor community, still labouring under the burden of the late Indian war, could afford. We do not urge this as the cause that has kept us from our duty, but merely as an inconveniency that meets us in the discharge thereof. We took not take ourselves to be released from obligations, nor departed from our resolutions, but we hope that the foregoing statement, without mentioning other matters, will not cause our delay in sending Agents to be reflected on as due to want of loyalty and allegiance in us, which we humbly profess that we will always bear to His Sacred Majesty. We hope the more for his pardon herein since we understand is still taken up by the affairs relating to that execrable Popish plot, which were the chief occasion of his dismission of our former agents; so that we have reason to fear that our attendance at present may be troublesome to His Majesty and unprofitable to ourselves. "Right Honourable, we humbly pray that this our address may be accepted and taken in good part by your Honour, and that you will be pleased to favour us, His Majesty's most dutiful and obedient subjects, with a representation of our present condition herein contained, that we may not incur His Majesty's displeasure, nor be thought regardless of his commands, whereunto we have been assembled in General Court, endeavouring to give evidence of our obedience." *Signed*, Edward Rawson, for the Governor and Company. 1 p. *Inscribed*, "Read Sept. 12, 1681." [Col. Papers, Vol. XLVII., No. 1, and Col. Entry Bk., Vol. LXI., pp. 127-131.]

June 3. **127.** Duplicate of foregoing. *Endorsed*, "Recd. 30 August 1681." [Col. Papers, Vol. XLVII., No. 2.]

June 6. **128.** Deposition of Mr. Vincent Lowe against Mr. Christopher Rousby. Some day last April I went to Mr. Rousby's house, where we fell a talking of affairs in old England. He showed me several newsbooks which he had lately received from thence, and after I had perused some of them I told him that I perceived that the King in all his speeches insisted much on this point; that the succession of the Crown should continue in the right line; and that the King stuck very close to his brother, the Duke of York. Rousby answered that so he did. I continued that the King could not do less than take the Duke of York's part, being his brother, as his nature obliged him to it. Whereupon Rousby clapped his hand to his breast and said it was not nature that caused it; but he believed that the King was at heart of the same persuasion as the Duke of York. Afterwards which we were talking of the Bill in the English Parliament to disable the Duke of York from inheriting the Crown of England. I told Rousby that I heard Lord Halifax was much against it; whereto he answered that great men were great knaves and turncoats. *Signed*, Vincent Lowe. *Inscribed*, "Sworn to by Mr. Vincent Lowe this 6th of June 1681 before me, C. Baltemore." 1 p.

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Endorsed. [Col. Papers, Vol. XLVII., No. 3, and Col. Entry Bk., Vol. LII., pp. 53, 54.]

June 7.
Maryland.

129. Lord Baltimore to the Earl of Anglesey. I have already written twice to you about one Christopher Rousby, who I desired might be removed from his place of collector for the King in Maryland, he having been a great knave to the King, and as great a disturber of the trade and peace of my province. I send you herewith a writing sworn to by one of my Council (*see preceding abstract*), by which you will judge to some measure of what ill principles this Rousby is, and how seditious and wicked he is in his common discourses, this being the least matter in that kind that he is guilty of. I dare affirm that he is as great a traitor in his heart as is this day living. Since Rousby left for England one Badcock, a surveyor for the King here, came about a fortnight ago to acquaint me that though some master of vessels from Poole and Liverpool (who lately arrived in my province) had brought certificates of bonds to carry away their lading of tobacco to England and Ireland (for the Act for nine years which excepted Ireland is now some time since expired), yet such masters were obliged to pay the penny per pound here before they could be permitted to clear with my officers. I answered that I was aware that Ireland was now open, and that since at London, Bristol, Poole, and Liverpool such bonds were taken by the officers of those ports (as by certificates produced to me here was evident), I thought that sufficient for my officers and myself to walk by. I therefore told Badcock that I would not suffer him to molest any masters that had such certificates, unless he could affirm that they were counterfeited, which he durst not affirm. Yet he had the impudence to tell me before some of my Council that he would complain to the Commissioners of Customs that I hindered him from discharging his office. Now I was satisfied that his intention was only to cheat the merchants concerned in these vessels of as much money as a penny per pound would come to; for the King's duty was secured by the bonds given at Poole and Liverpool, which Badcock owned to be legally taken, as well as that the certificates were good. By this you will see what hungry indigent fellows are appointed to serve the King here, men who would dishonour the King, cheat his subjects, and drive all the trade out of my province if they were permitted to act at their will. Let me beg you to procure that such dissolute fellows shall be removed from the King's service here, and that the Commissioners of Customs may be required to appoint some persons of good estates and lives to serve the King here, for such will be careful to discharge their trust faithfully, and pay some respect to the Government they live in. *Holograph.* 1 p. Addressed to the Earl of Anglesey, etc., in Drury Lane. *Endorsed,* "Rec. Oct. 1, 1681, by his Agent in town." [Col. Papers, Vol. XLVII., No. 4, and Col. Entry Bk., Vol. LII., pp. 46-48.]

June 7. New Hampshire. 1681. **130.** At a Court held at Dover, New Hampshire, 7th June
Bill of costs of Nehemiah Partridge against Francis

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Huckins. Total, 1l. 1s. Copy. Certified by Richard Chamberlain.
Scrap. [Col. Papers, Vol. XLVII., No. 5.]

June 7.

131. Minutes of Council of Barbados. His Excellency approved Christopher Codrington as Speaker of the Assembly on the sickness of Richard Guy. The Assembly made its motion respecting the inhumanity of deferring the holding of General Sessions, to which his Excellency replied. His Excellency reminded the Assembly of the King's proposals for commutation of the four-and-a-half per cent. duty, to which they had given no reply. *This entry is found only in the duplicate copy of the Minutes.* [Col. Entry Bk., Vol. XI., pp. 403, 404.]

June 7.

132. Journal of Assembly of Barbados. Colonel Richard Guy being absent through sickness, General Christopher Codrington was elected Speaker. On the petition of Samuel Hanson, supported by two witnesses, against John Witham, voted that Richard Seawell and Richard Pococke take the depositions of the said witnesses, and Edward Littleton, William Sharpe, Samuel Husbands, John Davies, and Richard Seawell be a Committee to examine the petitions of Samuel Hanson, of Ralph Fretwell, of Thomas Pilgrim, of the Attorney of Richard Dawes, and all other petitions lying before the Assembly, and report on them at next sitting. Address to the Governor, praying him speedily to hold a sessions to deliver the prisoners from the common gaol, where for years past they have lain under great cruelty and oppression. On the petition of Captain Samuel Norris, gunner of Hole Fort, ordered that 5,000 lbs. of Muscovado sugar be paid to him, and 3,000 lbs. to John Chilcott, his matross. Voted that divers expiring Acts be continued, and others revised. Message received from the Governor, that his Excellency has often declared his opinion that it is unreasonable and inhuman so long to defer the holding of a gaol delivery, and will hold a General Sessions with all convenient speed, as soon as the means of meeting the expense be provided. Resolved that an answer be prepared hereunto.

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Bills for continuing and revising expiring Acts advanced. After debate on the King's proposals for the commutation of the four-and-a-half per cent. duty, the following address to the Governor was drawn up and presented, in substance as follows:—We are ready to establish a revenue to the King and his successors for ever upon imported wines and liquors to the value of 5,000*l.* a year, which we humbly conceive is 1,000*l.* more than the King now receives for the Island's proportion of the rent now paid into his Treasury by the farmers of the four-and-a-half per cent. duty. If this impost falls short of the sum we are ready to make good the arrears by a law upon the lands of this Island.—The House considered the Governor's answer respecting the holding of a General Sessions, and made answer to him as follows:—We crave leave to inform you that the four-and-a-half per cent. duty was granted to the King to defray the expenses of Government, as was done all the time of Francis, Lord Willoughby. After his death we confess

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that out of our affection for the King's service and the exigencies of his affairs, we have been drawn from time to time to defray several expenses of the Government; but the charge of the General Sessions hath not hitherto been put upon us, but has been allowed by the King, and we have no doubt that His Majesty will continue to do so. We have reason to believe, also, that taking one time with another, fines and forfeitures will reimburse the charge.—Voted that the House defer proceeding with the debate of raising an excise on liquors till next meeting. Bill declaring when the laws of England shall take effect read a first time. Petition of John Farmer recommended to the Governor and Council as follows:—We earnestly recommend to you this petition. We knew petitioner's father well, who was a person of great honour and a true lover of his King and country, and we should be extremely sorry to see this family rooted out by the most undue practice ever known in Barbados. Such judgments as those mentioned in the petition are very usual in this Island; they have always taken effect according to the agreement of the parties, and not otherwise, which good usage we desire may have no disturbance. As the petitioner so we, too, rely on your Excellency's justice and honour.—Adjourned to 5th July. [Col. Entry Bk., Vol. XIII., pp. 432-8.]

June 8.

133. Minutes of Council of Barbados. The Assembly brought several Bills to revise and continue expiring Acts, also a Bill declaring when the laws of England shall take effect in this Island. Order for paying Samuel Norris and the matross of Hole Fort passed. The Assembly's answer to the Governor's message about the commutation of the four-and-a-half per cent. (see preceding abstract). Certificate on page 348 from Edwyn Stede that the foregoing minutes (from 7th March to 8th June) are a true copy. Dated 14th June 1681. [Col. Entry Bk., Vol. XI., pp. 347, 348.]

Duplicate of the minutes of 7th March to 8th June. [Col. Entry Bk., Vol. XI., pp. 371-409.]

June 9.

134. Petition of certain inhabitants of Barbados to the Assembly. Requesting it to represent to Sir Richard Dutton, as it had already represented to Sir Jonathan Atkins, the barbarous inhumanity and subtle conspiracy of the Jewish nation in general against all Christendom, and particularly against England, which conspiracy and inhumanity is already began to be regulated by the removal of Jews from Tangier. The presence of Jews is inconsistent with the safety of Barbados; they have already given, as there is too much reason to believe, intelligence to her enemies, and will do the same again. Signed by Jer. Cooke, Robert Draper, Thomas Morris, John Smith, on behalf of the persons concerned. Copy. Certified by Edwyn Stede, 9th June 1681. 1 p. Endorsed. Recd. 10 Aug. 1681 (see No. 57). [Col. Papers, Vol. XLVII., No. 6.]

June 10.
Barbados.

135. Return of Imports and Shipping, from 10th March to 10th June 1681. [Col. Entry Bk., Vol. X., Nos. 9, 10.]

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June 11.
Barbados.

136. Sir Richard Dutton's answers to the heads of enquiry respecting Barbados. (1.) There is only one Council in the Island, consisting of twelve persons appointed by the King under the Great Seal of England. The Assembly is called as occasion requires and consists of twenty-two persons, two for each of the eleven parishes, chosen by the freeholders. There are five Courts of Judicature or Common Pleas, each consisting of a Chief Judge and four assistants, any three of whom may hold a court and try causes. There is also a Court of King's Bench for the redress of errors or irregularities in the Common Pleas; and a High Court of Chancery, held by the Governor and Council, for equitable causes. (2.) There is no Court of Admiralty established, only formed as occasion may require. (3.) The power of making statutes is vested by the Governor's commission in the Governor, Council, and Assembly. (4.) The laws are such as have been made from time to time. How far the laws of England are binding is a question under consideration. (5.) The land forces consist of six regiments of foot, equal with officers to about six thousand men; two regiments of horse and a regiment of guards, equivalent with officers to twelve hundred horse. (6.) There are twenty forts and batteries, with breastworks between them. The ordnance mounted therein are demi-cannon, culverin, demi-culverin, sackers, falcons. (7.) There are no privateers or pirates. (8.) This being the windwardmost of the islands has little trade with the others. (9.) We have no correspondence with our neighbours for the same reason. The French forbid the vessels of the English islands to enter their ports. (10.) The ammunition in the magazines amounts to about fifteen hundred foot arms, besides those issued to the regiments, five hundred barrels of powder with match and ball, and all other necessaries for the great guns. (11.) No money has ever been appointed by the sovereign out of any branch of his revenue for military purposes or any other. The cost of arms and repairing forts is generally defrayed by an excise on imported liquors, by levies on negroes to come and work, or by taxes on land or negroes to pay the necessary charge thereof, as from time to time is found convenient. (12.) The longitude and latitude of the Island is variously estimated, there being no other admeasurement than that of Richard Ford, a surveyor, whose description is printed and sold in England. The general estimate of its longitude is about twenty-eight English miles, its latitude about twelve, and its acreage about a hundred thousand acres, all of which is granted, settled, and manured by the inhabitants. There are of men able to bear arms about ten thousand, and of negroes forty thousand. (13.) There are four towns for trade, all adjoining the seaside, viz., to windward, Oistin's town; six miles thence to leeward, St. Michael's, the capital; seven miles to leeward of St. Michael's, Holetown; and five miles to leeward of Holetown, is Speightstown. The original houses were all of timber, but as they decayed or were destroyed by time, fire, or hurricanes, they were rebuilt with stone or brick and covered with tiles, slate, or shingles, and built after the English fashion for commodiousness and decency as well as strength. They are now general all over the Island. (14.) There are eleven parishes,

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divided into five precincts, each of which has its own Court of Common Pleas, wherein alone the inhabitants of that precinct can be sued. (15.) There are no rivers and no harbours, only roadsteads of varying depth and with rocky bottoms. (16.) The commodities produced in the Island are sugar, cotton, and ginger. The value thereof spent in the Island is difficult to compute ; the value exported can only be given by the Collectors of the Four-and-a-half per cent. duty who have excused themselves to your Lordships. Imports are of all kinds, as may be seen from the quarterly returns, whence also their value may be estimated. (17.) Some years since there was an attempt to make saltpetre in the Island, but it only ruined the undertakers. (18.) The number of men fit to bear arms is ten thousand. (19.) The Island has for many years been so fully settled as to include none but the King's subjects. The Royal African Company has imported about two thousand negroes in the past seven years, which fetched from forty shillings to twenty pounds a head. Many have been brought also from Madagascar and by interlopers. (20.) No account is kept of births of negroes or mulattos, few of them being christened ; and an ill account has been kept of the christian children born, for the Quakers and other sectaries, who are many, do not christen or register the birth of their children. (21, 22.) The like holds good of marriages and burials. The Quakers bury their dead in fields and hedges. (23.) It is difficult here as in any part of the King's dominions to make any reasonable estimate of the estates of the planters or merchants, for many who seem to be traders on their own stock are but the factors of others, and many who seem of considerable value are worth little. Planters, though their stock is visible in land, building and negroes, are as difficult to reckon ; many, whose estates appear great, being encumbered with debts. The best account of the wealth of the Island is to be taken from the exports and can be furnished by the Collectors of the Four-and-a-half per cent. duty. (24.) The shipping that comes to the Island can be best judged from the quarterly returns. Few vessels belong to the Island except shallops, though there are some small ships and barks that go to New England for provisions. (25.) The attempt to settle St. Lucia, esteemed the best of the Islands under the Government of Barbados, proved so fatal in the time of Lords Francis and William Willoughby, when most of the men that went to settle it died by reason of the sickness of the Island, that it has wholly discouraged all people from attempting the settlement thereof. Nor have any attempted to settle St. Vincent or Dominica, both for the aforesaid reasons and because they are particularly infested with Indians. The Duke of Courland's subjects have recently begun some settlement of Tobago, but were not strong enough to resist the Indians who, with French among them as wild and savage as themselves, often assaulted the late settlers, killed several of them and forced them to desert the Island. They were brought hither to seek their passage to England and embarked some time since. (26 and 27.) These queries shall be answered as occasion offers. (28.) No duty of any kind is paid on exports except the four-and-a-half per cent. to His Majesty, as by

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Act of this Island, and a certain duty on goods exported to the other colonies as by Act of the English Parliament. There is not nor has been for the last eighteen months or two years any duty on imports. (29.) The king has no revenues in this Island but the four-and-a-half per cent. which is collected by Mr. Roger Cowley, and Mr. Richard Grant, officers appointed by the farmers of that revenue, and the duty raised by Act of Parliament of 25 Charles II. which is collected by Mr. Edwyn Stede, appointed thereto by the Commissioners of Customs in England. (30.) The true Christian religion as established by law in England prevails in this Island, and its service is held in all the churches. The Quakers come next, not comparable in number to the Anglicans; but they are often very rich and have such influence on one another that few die without bequeathing something to their faction and worship. There is also a small parcel of Anabaptists, but inconsiderable and dwindling. There are about two hundred and sixty Jews, men, women, and children, either born on the Island or made denizens by royal letters patent. (31.) There is a good church built in every parish, and to every church a very able and orthodox minister; ministers are appointed one pound of Muscovado sugar per acre for their maintenance, but sugar being now low in price, each parish provides for his maintenance to the minister's satisfaction out of the parish levies. Each parish provides for its poor, so that there are few vagrants and beggars, though some there are. *Signed*, Ri. Dutton. $7\frac{1}{2}$ pp. *Endorsed*. Recd. 19 Aug. 1681. [Col. Papers, Vol. XLVII., No. 7, and Col. Entry Bk., Vol. VII., pp. 76-84.]

June 13.
St. Jago de la
Vega.

137. Sir Henry Morgan to Lords of Trade and Plantations. All things here at present have a prosperous aspect, and I am in hopes that when the Assembly meets again on 24th instant matters will be quietly carried on. Yet I much fear that the perpetuity of the Act of Revenue will not be assented to, though I shall leave no means untried to advance it. I have by me some queries of your lordships concerning the nature of this place and the constitution of this Government, to which I shall answer to the best of my ability by the first ship. I shall also send at the same time the naval officer's accounts which were omitted through the negligence of my secretary, Mr. Powell, whom for that and several other incorrect and unhandsome dealings with me I have by advice of the Council turned out of that office. *Signed*. 2 pp. [Col. Papers, Vol. XLVII., No. 8.]

June 13.
St. Jago de la
Vega.

138. Sir Henry Morgan to [Sir Leoline Jenkins?]. The remoteness of this place gives so much opportunity to the tongue and hand of malice that the greatest innocence cannot be protected without much care and watchfulness. I suppose you have heard of the foul dealing I have lately had shown me by one who should have stood between me and calumny, my Secretary, Mr. Rowland Powell. To his great shame and the endangering of my reputation he has without my knowledge or the privity of any of the Council here made use of my seal and pretended my hand to a proclamation of his own contriving, to empower the factors of the African

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Company (whereof he is one) and command this country to do things against interlopers contrary to law. But I hope I have taken sufficient care to remove that false aspersion at home. I have for that purpose taken several depositions which clear the matter and disclose his printed shame, but I did not think myself secure till with the Council's advice I had removed the dangerous cause and employed, instead of Powell, one Barclay for my Secretary. He is a man of untarnished reputation who has lived here these many years, has acted as secretary of the Island, been clerk both of Supreme and Petty Courts, and three times clerk of former Assemblies without the least blame or suspicion. I speak these truths about him to prevent calumny, which will doubtless be busy. I have taken the utmost care to protect the African Company, maintain its rights and obstruct the coming of interlopers, and I doubt not that the interloping commerce would fall of itself if the Company would keep the Island sufficiently supplied with negroes at the present rates. Powell is responsible for the failure to transmit the naval officer's accounts. I have little assurance about carrying the Bill for perpetual revenue. *Signed. Endorsed. 2 pp. [Col. Papers, Vol. XLVII., No. 9.]*

June 14.
Council
Chamber.

139. Journal of Lords of Trade and Plantations. Sir Henry Morgan's letters of 16th March read, two quarterly letters from Barbados, and Sir Richard Dutton's speech to the Assembly of Barbados (*see Nos. 51, 59*). [*Col. Entry Bk., Vol. CVI., pp. 263, 264.*]

June 14.
Council
Chamber.

140. Lords of Trade and Plantations to the King. We have received several letters and papers dated April last from Barbados, by which we hear that Sir Richard Dutton is safely arrived and that his proposals have been well received by the Assembly. *Here follows a recapitulation of the Assembly's reply to Sir R. Dutton (ante, No. 59).* *Signed, Arlington, Clarendon, Craven, Radnor, Worcester, L. Jenkins. 2½ pp. Endorsed.* Read in Council 16 June 1681. [*Col. Papers, Vol. XLVII., No. 10, and Col. Entry Bk., Vol. VII., pp. 63, 64.*]

June 14.
Barbados.

141. Governor Sir Richard Dutton to Sir Leoline Jenkins. It is a great misfortune to me at the entrance to my government to have cause of complaint of the ill administration of my predecessor. Could I consistently with my duty do so, I should rather extenuate than aggravate it. The people since my arrival have renewed their former fears and jealousies (for they have as good a faculty for creating them here as in England), defaming the King's honour and justice. This, which is certainly their main design, was grounded on a letter from England to some of the Assembly, which was slyly and maliciously insinuated into the credulous ears of the less discerning of that body, and blown up to such a height, that, when they were upon resolutions for passing an excise upon liquors (which was the only way they had of raising money for the Government, as well as the easiest for the people), this letter was foisted in among them. Its import was that if the impost on liquors were passed the King would defraud the country of the

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whole, and its design simply to alienate the people's affections from the King. The devil which they were possessed withal not being speedily whipped out of them, seven others worse than the first have entered into them. They thought monarchy was on its last legs in England, and I am confident were preparing to set up a commonwealth here as early as any of the plantations; and it is my great unhappiness that I stand here alone to resist such traitorous designs. The Act was consequently lost, and though the country is much in debt no provision has been made for public debts. Nor has provision been made for a common gaol or house of correction. The malefactors are ready every night to break gaol, being kept only in a private house; and, what is the greatest scandal to a Christian government, there has been no gaol-delivery for the last three years, for the freeing of the innocent or the punishment of the guilty, who lie both in a miserable condition. The principal reason for not holding the grand sessions has been the great expense, some six or seven hundred pounds sterling, which must be defrayed either by the King, the Governor, or the country. How able I am to bear the charge you can easily judge. I am already 4,000*l.* out of purse, I have not received one penny from the King, and my allowance is so small that it hardly allows me bread in this expensive place. The country says that the King should allow it out of the four-and-a-half per cent. duty, and the people are or seem so obstinate in this resolution that the prisoners may run away or starve in gaol unless the King bears the expense of the sessions. The consequences are very mischievous to a Governor who depends only on the King and his bounty for his support. I am unwilling to complain, especially in my own case, except when forced, but unless the King be not kinder to me in advancing salary I must be ruined. I can expect nothing from the people here, who have noised it abroad that I was forbidden by the King to receive their benevolence on my coming here. The cause of all these misfortunes to the place and to myself I must attribute wholly to Sir Jonathan Atkins. At the first he made but a negligent inquiry into the authors and dispersers of the libel above referred to for fear of displeasing the people and losing their benevolence, and for fear that they should extend the same benevolence to myself, as they have done formerly to other Governors on their arrival. He had the confidence or malice to tell me that he *did* think that the King would lay his hand upon any money Bill that might be enacted here. I told him that it was an ill thing of him to say so, and that it would never be attempted. I presume that a man who will say such a thing to me will cunningly insinuate it into the heads of others to prevent the passing of that which he could not obtain, he being aware that the Assembly is now entering upon new resolves for an excise upon liquors, having lost at least 10,000*l.* in the last three years through their folly in trusting to false news.

Since my arrival one Binckes has produced a Commission under the Great Seal of England, granted to one Benloes and another citizen, for no less than four distinct offices, all included in one

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Patent. He produced also a deputation to himself to execute those offices, and a mandamus from the King for his admission thereto. You will, I hope, believe that no one will obey the King's commands more readily than myself, but finding myself forbidden by my instructions to allow any deputy to act in more places than one I hesitate to admit him to more than one. While in this difficulty I received an information against Binckes for dispersing among the Assembly men a defamatory report seconding the libellous letter from England as to the King's intention to lay hands on the revenue. Upon my examination of him he confessed that he had done so, on which I thought him very unfit for employment in the King's service, and discharged him. Sir, you cannot imagine the great mischief that arises to the King's service, in that the patentees are not obliged to attend their employment personally, instead of by deputies. I am very much pressed by the Agents of the Royal African Company to issue my warrant to the man-of-war that lies here to seize the interlopers that frequently come in, but I tell them that I have no instructions empowering me to do so. When the King gives me such orders, I shall be ready to execute them. All the power that I now have is, when the Company have sold their slaves for time to the inhabitants, to see that they have no delay of justice in obtaining their money according to contract. It is not my nature to trouble you with tedious letters, but I had several small particulars to acquaint you withal that I could not control. Pray pardon it. 4 pp. [Col. Entry Bk., Vol. VII., pp. 72-75.]

June 14.
Barbados.

142. The Governor and Council of Barbados to Lords of Trade and Plantations. Transmitting quarterly returns of public affairs at the Council Board, and of imports. *Signed*, Ri. Dutton, Fran. Bond, Richard Howell, John Peers, Edwyn Stede, Thomas Walrond, Thomas Wardall, John Witham. $\frac{1}{2}$ p. *Inscribed*, "Recd. 10 Aug. 1681." [Col. Papers, Vol. XLVII., No. 11, and Col. Entry Bk., Vol. VII., p. 66. Another entry under date 11th June, Col. Entry Bk., Vol. VII., p. 106.]

June 14.
Barbados.

143. The Secretary of Barbados to Lords of Trade and Plantations. Transmitting quarterly returns of public affairs at the Council and in the Secretary's office. *Signed*, Edwyn Stede. $\frac{1}{2}$ p. *Endorsed and inscribed*, "Recd. 10 August 1681." $\frac{1}{2}$ p. [Col. Papers, Vol. XLVII., No. 12, and Col. Entry Bk., Vol. VII., p. 65.]

June 16.
Hampton
Court.

144. Order of the King in Council. In reference to Sir Henry Morgan's letter of 16th March reporting that he had respite the condemned pirates pending the King's pleasure (see No. 51). Ordered, That Mr. Secretary Jenkins prepare a letter for signature to Sir Henry Morgan requiring him to cause the said pirates to be executed. *Signed*; John Nicholas. *Endorsed*. [Col. Papers, Vol. XLVII., No. 13.]

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145. Copy of above. [Col. Papers, Vol. XLVII., No. 14.]

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June 20.

146. The Bishop of London to Sir Leoline Jenkins. The bearer Mr. Hinton is a person that has stuck to the King in the worst of times, and made an end of his fortune by waiting on him in Flanders to the loss of four or five thousand pounds, and has requested no other recompense for his service than the Government of Newfoundland, for which he has long fitted himself, to the King's knowledge. I could not therefore do less than recommend his case in my absence especially to your care and patronage. One Mr. Coney stands in competition with him, whose wife is a Papist and has educated all her children, it is said, in that way. Pray procure the Lord President's assistance and help the poor man as you think best. *Signed, H. London. Holograph. ½ p. Seal perfect. Annexed,*

146. i. Petition of William Hinton to the King. Petitioner has for many years endeavoured the settlement of Newfoundland at his own great charge, all this being done upon your Majesty's repeated promises that he should have the Government in consideration thereof, and of his family's and his own great sufferings in the royal service. There are now some who would gladly build their fortunes at petitioner's cost by obtaining the Government for themselves, the prosecution having ceased for some time past through petitioner's indisposition and his expectation of further proofs from his agent, William Downing, who died on the passage to Newfoundland. Petitioner therefore prays for the Government. 1 p.

146. ii. and iii. Duplicate and triplicate of foregoing.

146. iv. Memorandum [by William Hinton]. My father was gentleman of the Privy Chamber to King James and King Charles, and died in 1669 serving the present King in the same post, and as Providore of the Robes to the Queen. I was several years abroad with the King and transacted business between him and Colonel Popham with success. I raised a troop of horse in Sir George Booth's business which cost me seven hundred pounds. I never was troublesome to the King nor asked him anything but the Government of Newfoundland, which he always promised should be mine when established, in which encouragement I followed the business several years and have spent thereon in one way or another two or three thousand pounds. My father was sequestered, decimated, and plundered of all that he ever was worth by the late usurpers, losing also large sums which he had advanced to the late King; and for years he durst not come home to his wife and children. Newfoundland approves of me and has long expected me. I have also, in expectation of the post, had household goods of all sorts in the country many years. 1 p.

146. v. Recapitulation of the foregoing in the third person with slight variations, and the following additions. If the King disposes of the Government to any one but Hinton he

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will be reduced to extreme want. He has studied Newfoundland and done his best for the King's service and the trade therein, and believes that no one knows more about it than he does. Lastly, Hinton's father-in-law, Mr. James Boeve, of Middleburg in Zealand, was the person through whom most of the King's business passed during his exile, a duty which he fulfilled with integrity and with expense even to ruin. Yet he never asked reward, and declared that he would be satisfied if his son-in-law obtained the Government of Newfoundland. 1 p.
Endorsed by Sir Leoline Jenkins, "Sent me by My L. of London, 23 June '81." [Col. Papers, Vol. XLVII., Nos. 15, 15 i.-v.]

June 21.
 Council
 Chamber.

147. Journal of Lords of Trade and Plantations. Mr. Randolph presents a report from the Attorney-General concerning New England, in particular concerning the forfeitures due to the King (see No. 122). Agreed to recommend that the Government of Boston be required to pay all such fines to His Majesty, with the other particulars of Mr. Attorney's report, or that upon their default their charter be questioned by *Quo warranto* next Hilary Term. Meanwhile Mr. Randolph is to lodge his appeals against the proceedings of the Bostoners against him, and the necessary persons will be summoned.

Mr. Hill is called in and asks leave to transport three hundred malefactors to the Leeward Islands, two hundred to St. Christophers and one hundred to Nevis. Agreed to recommend that leave be granted on his entering into two good securities of five thousand pounds to carry them to the places aforesaid. [Col. Entry Bk., Vol. CVI., pp. 266, 267.]

[June 24.] **148.** Petition of Mrs. Thoma Roet to the King. Petitioner being sixteen years old, lawfully married Isaac Roet, vicar of Stansted, Essex, and by him became the mother of four children. These about seven years ago he left with petitioner, and went to Barbados to find a livelihood, in which undertaking he was so blessed that he had more than 300*l.* a year, whereof he sent petitioner annually 40*l.* which enabled her and the children to live comfortably. But for four years past he has never sent one quarter, though all means have been used by the admonition of his diocese and by messages, letters, and messengers to entreat maintenance from him. By his unchristian neglect petitioner is reduced to great poverty and has been forced to betake herself with her family to the alms of the parish, although her husband enjoys not only his former preferments, but the same much augmented. Prays an Order in Council to compel him to provide for her. *Annexed,*

148. i. A certificate signed by the vicar, churchwardens, and sixteen other inhabitants of Stansted that petitioner's story is true. 1 p. *Endorsed on the petition,* A minute requesting Secretary Jenkins upon assurance of the truth of the certificate to favour the woman so far by a letter to

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the Governor of Barbados, that her husband may either send for her, or that so much of his perquisites may be sequestered as to pay her arrears of 120*l.* and 40*l.* per annum for the future. *Endorsed elsewhere* with date 24 June 1681. [Col. Papers, Vol. XLVII., Nos. 16, 16 i.]

- June 25. [Barbados.] 149. List of Bonds entered into by Masters of ships. A list of eight such bonds extending from 6th December 1680 to 25th June 1681. 1 *p.* [Col. Papers, Vol. XLVII., No. 17.]

- June 29. 150. Nathaniel Bacon, John Page, and Thomas Thorp to George Richards. If the *Planter's Adventure* cannot be sold for our price, 500*l.*, pray apply without delay to Lord Culpeper to procure that our privileges as Virginian owners may be continued to us so long as the *Planter's Adventure* may be fit to go to sea. $\frac{1}{2}$ *p.* *Signed.* [Col. Papers, Vol. XLVII., No. 18.]

- June 30. [Hampton Court.] 151. Order of the King in Council. On reading a letter from Lord Baltimore, dated 28th April last, setting forth the insolent and unwarrantable proceedings of Christopher Rousby, Ordered that the Lords Commissioners of the Treasury examine the matter and report. *Annexed,*

151. i. Copy of the letter referred to. Lord Baltimore to Lord Anglesey. I must beg your assistance in moving the King in Council to remove one Christopher Rousby, a Collector here; and that he who is my collector here, may have a commission for the additional duty of a penny per pound, who will be able to serve the King and be more faithful in the discharge of the place. In Virginia the King's Collectors are the same men that collect the country's duties, and when I was in England Sir George Downing moved to have my Collector chosen to serve the King here; but as I had recommended this Rousby to the Commissioners about five years since to succeed me in that place (for in my father's lifetime I was the King's Collector here), I persuaded Sir George Downing to permit Rousby to stay until the Commissioners or I had just cause to except against him. These two years and more I have had such cause, and have sent two letters the last two years to the Commissioners about his removal and the appointment of the Collector of my own dues, but by means of this knave, Rousby, my letters have been stopped, and so never came (as I imagine) to the Commissioners' hands, for had they come safe to them I should have received their answers. I now send again, hoping by your assistance to be relieved from so great an evil, or rather devil, for so I may term the present Collector to be. Since my return to Maryland he has carried himself to several West Country and New England traders with such pride that many of them have quitted a trade that they had long had here. He has imposed fees, exacted

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presents, seized and brought several masters into trouble, notwithstanding that they brought their clearings from the King's Custom houses in England. And all this to force them to comply with his unjust demands. He forewarns masters of vessels to make no entry with my collector till they have paid their duty, as he terms it, to himself, nor will he permit any masters to bring their certificates of bond given in England to my officer, or, indeed, to me, notwithstanding that the Acts of Trade and Navigation absolutely command all masters to present themselves to the Governor within twenty-four hours of their arrival in any Government, and require them further to give the Governor an account of their ship, its crew and cargo. And if the Governor, who is bound by heavy penalties under the Act to require these duties of masters, neglects to do so he forfeits a thousand pounds and is incapable of further office and employment. I being proprietor here may be looked upon as Governor while I am resident in person, and I am therefore in danger of being brought into trouble by the unwarrantable proceedings of this insolent and knavish collector who presumes daily to pose me and my Government with instructions which he pretends to have received from his masters the Commissioners. Herein he abuses them, as he has greatly injured several masters that have traded here, and is become so insolent in his carriage to me and my Government that I am forced to ask you to obtain his speedy removal; otherwise I must certainly expect that all dealers and traders will leave my province to my own great detriment, and the diminution of the King's revenue. For if masters of ships are thus discouraged by the knavery and insolence of a collector, much tobacco will be left in the province; and the inhabitants may be brought to mutiny when they see ships and supplies leave them by reason of an idle officer whose daily boast is that he cares not how much he injure the King and his subjects if he can do but make his fortune. When my officers by my order have called him to account for exacting fees for entry or clearance of vessels, which are only due to my own officers, he has had the insolence to send me answers to this effect. Moreover, besides this knavery in his transactions with the shipping, he is the most lewd, debauched, swearing and profane fellow in the whole Government, and, indeed, not fit to be admitted to civil society. He is a rogue in his heart towards the King, and is impudent enough to publish hatred of Kingly Government aboard all ships; and by his ill example commanders of London ships are grown to that height of presumption that treason is become their pregnant discourse both aboard their ships and in Rousby's house, where they are much treated. I shall weary you if I were to attempt to

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enumerate the several knaveries and villanies of this fellow, and become more troublesome than I am willing to be. I therefore cease, only begging you to ease my Government by removing this pernicious person, and that my collectors may collect the King's dues. I will see that they perform their office faithfully. *Copy.* 3 pp. *Endorsed* with a reference from the Commissioners of the Treasury to the Commissioners of Customs, 23rd November 1681. *Signed*, Henry Guy. [Col. Papers, Vol. XLVII., Nos. 19, 19 1, and Col. Entry Bk., Vol. LII., pp. 65-71.]

June. 152. List of Quarterly Accounts received from Barbados, 7th March to June 1681:—

Orders of Council.

Return of Imports.

Journal of Assembly, 29th March to 8th June 1681.

Acts of Barbados, 9th June 1681, passed the Seal, viz.,—

Act to continue and revise divers Acts, 8th June 1681.

Act to confirm the lease of Fontabelle to Sir R. Dutton, 18th May 1681.

Act appointing a Committee of Public Accounts, 18th May 1681.

Act to supply further labourers for the fortifications.

Bills received from Clerk of Assembly, 9th April to 8th June 1681,—

An Act to appoint a writ of *habeas corpus*. Not passed.

An Act explaining the Act for Establishing Courts of Common Pleas. Not passed.

Act declaring when the laws of England shall take effect.

Act for securing possession of slaves. Not passed.

(Several letters enumerated which are abstracted under their dates.) [Col. Entry Bk., Vol. VII., pp. 57, 58.]

June.

153. "Form of a condition of transportation." Rough draft of a clause of agreement, with many corrections. *Latin. Scrap.* *Inscribed as above, with date June 1681. This probably refers to the transportation of malefactors to the Leeward Islands.* [Col. Papers, Vol. XLVII., No. 20.]

July 1.
Thanet
House.

154. Minutes of Proceedings of Lords Proprietors of Carolina. Agreed that a commission be issued to [blank] empowering them to enquire into the King's business for the recovery of arrears (see previous Vol. Nos. 1343, 1606). Sir R. Temple to furnish the names. Agreed that whatever Act of oblivion be passed the duty due to the King and the damages to his collectors and deputies be excepted. [This refers to the rebellion of 1677, for which see previous volume, Index, sub voce, Carolina.] Captain Henry Wilkinson to be cacique on account of lands, and registrar of births and burials. Letter to be written to Ashley river about the whale fishery, excepting whales cast up dead. The boundaries to be adjusted. Lord Culpeper to sign Governor

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Wilkinson's Patent. Wilkinson's instructions to include a clause directing him to send home an amended map. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. XX., p. 173.]

July 1.

155. Proceedings of the Court of Assizes of New York at the trial of Captain Dyre as a false traitor to the King; the treason consisting of establishing and imposing unlawful Customs on goods, compelling people to pay them and using soldiers to maintain him therein. 2 pp. *Copy, certified by Robert Vicars.* [Col. Papers, Vol. XLVII., No. 21.]

July 1.

156. John West, Clerk of Assizes, to [Sir Leoline Jenkins]. Reporting that William Dyre was brought up for trial on that day, and questioned the authority of the Court to try him. Whereupon the Court decided to send him home to be tried there. 1 p. [Col. Papers, Vol. XLVII., No. 22.] *This and foregoing document are printed in New York Documents, Vol. III., pp. 287-9.*

July 1.
Barbados.

157. The Clerk of the Assembly of Barbados to Lords of Trade and Plantations. His long silence has been due to the fact that there was no Assembly for five months. Sends account of transaction since Sir Richard Dutton's arrival. *Signed, John Higinbotham. Endorsed and inscribed, "Recd. 13 Sept. 1681."* $\frac{1}{2}$ p. [Col. Papers, Vol. XLVII., No. 23, and Col. Entry Bk., Vol. VII., p. 66.]

July 2.

St. Jago de la
Vega.

158. Sir Henry Morgan to Lords of Trade and Plantations. The frigate Norwich happening to be in harbour, the provisions sent by Knapman and Lockwood for her supply were received by her Commander, Captain Heywood, who I doubt not has acknowledged their receipt. We have used the sloop captured from Everson to accompany the Norwich in cruising after pirates (*see No. 16*). She saves the great charge, which we before were at, of a pilot, sounds the dangerous places and is able to pursue pirates where the frigate cannot go; she is useful besides to give information of such accidents as happen. I lately had some pirates brought in. One according to his demerits was executed, and one Thomas, a most notorious villain, who recently took a valuable vessel of this Island, is taken and under trial. I have sent the frigate to cruise and have given Captain Heywood particular charge to look out for one Laurence, a great and mischievous pirate, who commands a ship of twenty-eight guns and had two hundred men aboard. And that the frigate might be the better able to deal with him and to free him from danger of being worsted or taken, I have put forty good men with commanders aboard of her, twenty out of the Earl of Carlisle's company and twenty out of mine own, and have ordered Captain Heywood to enter them upon his book. I doubt not but your Honours will allow of this charge, it being necessary for the King's service and the preservation of the frigate. She has lately been careened. I will send an account of the charge by next ship. There are some boatswain's stores here which were formerly sent for the use of the Success. I beg instructions how they are to be employed. 2 pp. *Copy.* [Col. Papers, Vol. XLVII., No. 24.]

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July 2.

St. Jago de la
Vega.

159. Sir Henry Morgan to [Sir Leoline Jenkins ?]. The ship that bears this sails so suddenly after the former fleet that I have little news. I must, however, acquaint you that I continue with all my might to repress the insolencies of the privateers and pirates, who grow numerous and desperate even to the assaulting and taking to His Majesty's own subjects, ships, and goods. I have sent the frigate with a sloop to attend her [*recapitulates details in previous abstract*]. When any of the pirates are brought to me I use the utmost severity of the law against them. I have already caused one to be executed and am about the trial of another. I am likewise careful to hinder interlopers for the protection of the Royal African Company. They have, in pursuance of the royal commands, sold the negroes of their last ship as 18*l.* a head, which proves a great help and ease to the country. I send for the Lords of Trade and Plantations the naval officer's account of goods exported and imported from 29th September to 25th March last. They should have been sent before had not my late Secretary, Mr. Powell, mislaid or lost them. $1\frac{1}{2}$ pp. Signed. Endorsed. Recd. 1 Sept. [Col. Papers, Vol. XLVII., No. 25.]

160. Acts of Jamaica passed on the 2nd July 1681:—

Act appointing the number of the Assembly (three members each for St. Catharine's and Port Royal, two for each of the other parishes). [Col. Entry Bk., Vol. XLIII., p. 1.]

Act for regulating servants. [Col. Entry Bk., Vol., XLIII., p. 1.]

Act appointing the price of meat. (Fresh beef or goat fourpence, mutton sixpence a pound.) [Col. Entry Bk., Vol. XLIII., p. 6.]

Act for highways. [Col. Entry Bk., Vol. XLIII., p. 7.]

Act against blasphemy and for preventing disorders in alehouses, taverns, and victualling houses. [Col. Entry Bk., Vol. XLIII., p. 9.]

Act empowering Justices of the Peace to decide differences, not exceeding forty shillings. [Col. Entry Bk., Vol., XLIII. p. 11.]

Act for rating liquors sold by retail. [Col. Entry Bk., Vol. XLIII., p. 13.]

Act for compensation of Mr. Nicholas Scarlett. [Col. Entry Bk., Vol. XLIII., p. 13.]

Act for restraining and punishing privateers and pirates. [Col. Entry Bk., Vol. XLIII., p. 14.]

Act for the better ordering of slaves. [Col. Entry Bk., Vol. XLIII., p. 18.] [This contains a provision that if any slave, by punishment from the owner for running away shall suffer in life or limb, no person shall be liable to any law for the same, but if any through wantonness or cruelty shall kill a slave he or she shall forfeit twenty pounds to the King and forty pounds to the owner].

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July 5.
Council
Chamber.

161. Journal of Lords of Trade and Plantations. Several papers concerning New England read, and referred to the Commissioners of Customs and to the Attorney-General for report.

Several laws passed in Virginia read. Their Lordships take exception to the style of enacting laws as not agreeable to the commission whereby the Governor passed them. Agreed that the same power for making laws that has been given to other Governors be conferred on Lord Culpeper. The title of the Acts to be altered in future from "By the King with the consent of the General Assembly" to "By the Governor, Council, and Assembly." The Cohabitation Act referred to the Commissioners of Customs. The Orders of Assembly read, wherein their Lordships observe that the Assembly has made laws to appoint the power of sheriffs and direct the settling of a parish without the Governor and Council, and has disposed of moneys which are not in its power.

Sir Thomas Lynch attended. Debate concerning his title. Sir Thomas saying that he will expect no allowance from the Exchequer by reason of the title, it was agreed that he be called Captain General and Governor in Chief. Their Lordships very much disapprove of certain grants, lately passed under the Great Seal, of the places of Clerk of the Crown and Peace, and Clerk of the Market. Sir Thomas Lynch to examine how the offices in Jamaica are executed, and to report. [Col. Entry Bk., Vol. CVI., pp. 268-271.]

July 5.

162. William Blathwayt to Lord Vaughan. Transmitting Article 36 of Lord Carlisle's Instructions, and desiring an account of what passed in relation thereto during his government of Jamaica, and his opinion as to what should be done therein. $\frac{1}{2} p.$

Memorandum that a letter to the same effect was sent to Lord Carlisle.

[Article 36 of the Instructions of 1678 forbids the Governor to take advantage of any penalties or forfeitures incurred by planters for not manuring or planting their lands, without the royal sanction.] [Col. Entry Bk., Vol. XXIX., p. 482.]

July 5.

163. Minutes of Council of Barbados. The Assembly brought up two Bills to revive expiring Acts.

July 6.

These Bills were passed. *Habeas Corpus* Bill read a second time and referred to a committee, consisting of Henry Walrond, John Witham, Richard Howell, and Edwyn Steele. The Assembly desiring a conference, the above-named were appointed conferrers for the Council. The Assembly having brought proposals for commutation of the four-and-a-half per cent. duty, the same members were appointed to meet the Committee of the Assembly on the subject.

July 7.

The Assembly brought up sundry Bills and orders for concurrence, whereof two Bills were laid by for consideration. Adjourned to 19th July. [Col. Entry Bk., Vol. XI., pp. 411-16.]

July 5.

164. Journal of Assembly of Barbados. The Assembly having sat three times by adjournment, proceeded according to rule to elect

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a Speaker. General Christopher Codrington elected. Bills to revive and continue expired Acts passed.

July 6.

Bills to revive and continue certain Acts sent down by the Governor and Council, containing alterations from the like Bills sent up by the House at last sitting. Edward Littleton, Samuel Husbands, Richard Seawell, James Walwyn, John Davies, and John Codrington appointed to confer with the Council thereon, who, returning, informed the House of the amendments desired by the Council.

July 7.

Bills to revive and continue expiring Acts passed. Edward Littleton, Richard Guy, William Sharp, Richard Seawell, John Davies, and Samuel Husbands appointed a committee to confer with the Council about proceeding with the proposals for the commutation of the four-and-a-half per cent. duty. Ordered by the Governor, Council, and Assembly, That the magazines of powder be dispersed into various gentlemen's houses for the better distribution of the same, and that the gentlemen transport the said powder with all convenient speed, and that they be reimbursed for their charge therein. Petition of Charles Binckes recommended to the Governor (*see next abstract*). Ordered that John Codrington be added to the Committee to examine petitions. Adjourned to 19th July. [Col. Entry 1k., Vol. XIII., pp. 440-2.]

[July 7.]

165. Petition of Charles Binckes to the Assembly of Barbados. Your petitioner was deputed by John Byndloss and Simon Winslow to fill the places of Chief Clerk, Register and Examiner of the Chancery Court, they holding the King's patent for the same. The Governor on receiving the said patent promised to admit petitioner to the office, but he has since charged your petitioner with raising discourse that if the excise of the Island were raised it should be seized by Patent, and therefore excluded him from the office and declared he should answer the charge in England. Now your petitioner utterly denies that he said such a thing, but admits that he heard it and can produce his author. He therefore begs the Assembly to take his unfavourable position into their consideration, and to intercede with the Governor to allow him to hold the office, or, if not, to appoint his deputy thereto, and to allow the charge against him to be answered here instead of in England. He, lastly, begs the Assembly to signify to the Governor whether or not in their not raising the excise they were governed by the discourse attributed to petitioner. 1 p. *Endorsed*, "The Assembly out of a sense of the Petitioner's sad condition do humbly recommend him to your Excellency's favour; and they do firmly believe that the late Assemblies (of which most persons of this Assembly were members) were not any way induced by the petitioner to the letting fall and non-continuance of the excise." Read and passed the Assembly *nem. con.* 7th July 1681. *Copy*. Attested by John Higinbotham, Clerk of Assembly. Attestation sworn to before Edward Littleton, 10th August 1681. Recorded in Secretary's office, 15th August. *Signed*, Edwyn Stede. *Endorsed*. Recd. 31 Oct. 1681. [Col. Papers, Vol. XLVII., No. 26.]

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July 10.
Patuxen.

166. Nicholas Badcock to the Commissioners of Customs. Since my letter by Captain Groome, I wrote you a second by Captain Joseph Eaton, giving you an account of the arrival of four ships (*see ante*, No. 120). [Recapitulates the story briefly.] On leaving the Council I said that I thought the law so absolutely on my side that I was resolved to seize the tobacco, until I was deterred by their threats, for I was afraid that they would go nigh to hang me or do some violent act to me. I therefore desisted and was resolved to speed for England in Captain Thomas Rogers's ship, which was the last bound for London, but matters were so ordered by Lord Baltimore and his Council (as I plainly saw) that Rogers absolutely refused to carry me, though I had shipped fourteen hogsheads of tobacco with him to pay my expenses. Being thus absolutely prevented I beg you to send such speedy orders as will settle this and all other matters that I have complained of, for everything is out of order. For the good management of this affair, your directions must be very high and authoritative, for I perceive that Lord Baltimore and his Council almost think themselves outside the King's sovereignty. Nay, I plainly see that nothing is so evil in their eyes as this little matter of the King's interest, and nothing sounds so ill in their ears as the bare naming of the King's authority. Some high proceedings to "fix up the public peace" may admonish and convince them. You will perceive how matters stand by the list of ships now sent. There appears hardly a certificate of bond given, and with all my endeavours I could not get sight above twelve or sixteen this year among all these ships. The ship St. George is omitted from the list, but we are fain to get the list as they will give it, so that I see she is absolutely bound and designed for Ireland. She is a ship of nine hundred or a thousand hogsheads. The cocquets that come to my sight are as few in proportion; Lord Baltimore returns them to the masters and openly avows it, so I suppose that they make them serve for many times. He refuses or neglects to send lists of shipping and makes light of it as if it were no concern of his, though I have solicited it according to your instructions. So that as things now stand I cannot tell how much the King may not be wronged. I doubt not that if all ships were obliged to clear with us inward before Lord Baltimore cleared them and permitted them to trade, I should find good cause to seize many cargoes if not many ships. But owing to my Lord's cajoling and encouraging masters and captains against us, this is evaded. If they fawn upon his Lordship, he so prompts them against us that I can hardly ask them a question but they are ready to fly in my face. I hope you will find some means of checking the damage and loss caused by these ships bound to Ireland. 3½ pp. [Col. Entry Bk., Vol. LII., pp. 61-65.]

July 11.
Carlisle.

167. Earl of Carlisle to Sir Robert Southwell. I have got yours of the 5th, wherein my opinion is desired concerning the four hundred thousand acres of land once intended to be reserved as a royal demesne. When I went to Jamaica my thoughts were much bent on putting that in practice, but I quickly found that it would

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prove costly to the King and mischievous to the Island, for it would cause a great deal of improvable land to be waste. The King would make no profit except by the same methods as the planters, by laying out first a great deal of money for servants, negroes, cattle, horses, buildings, and other necessaries. The ordinary computation is to lay out about 5,000*l.* to raise a plantation that may yield 1,000*l.* per annum, and a thousand acres is a competent proportion of land to accommodate such an estate. No one man has yet enclosed, much less improved, such a proportion, though several have taken up great quantities in the most convenient parts of the Island, which is a damage for the King and the public and no good to themselves at present. If a thousand acres were allotted for the use of the Governor it might be convenient for him and honourable for the Government. It might be improved in time by succeeding Governors and cost the King nothing. But for anything more it will not turn to account. The King has now about a tenth of the profits of all sugar works and will never make so much by being a planter himself. There is no such thing as farming of land as in England nor cannot be expected in several ages. Pray acquaint the Lords of the Committee with this. *Holograph.* 1 *p.* [Col. Papers, Vol. XLVII., No. 27, and Col. Entry Bk., Vol. XXIX., pp. 482, 483.]

July 12. 168. [William Blathwayt] to Henry Guy. Transmitting the Act, with the directions followed in the next abstract. [Col. Entry Bk., Vol. LXXX., p. 403.]

July 12. 169. Henry Guy to the Commissioners of Customs. By order of the Lords Commissioners I enclose an Act of Virginia for your report to the Lords of Trade and Plantations. Your attention is called in particular to the two clauses concerning the time wherein the Act is to take place for the landing of goods and the shipping of tobacco. Some of you will attend the Lords on the 20th instant. Signed. 1 *p.* [Col. Papers, Vol. XLVII., No. 28.]

July 13. 170. Lords Proprietors of Carolina to Governor and Council of London. the North part of Carolina. Hearing that there are many whales on the coast of Carolina, we direct that, although those fish are by our constitution reserved to us, the inhabitants of the Province shall have liberty for seven years from receipt hereof, or from Christmas next, to take what whales they can for their own use, excepting only such as are thrown up dead on the coast. Signed, Craven, Albermarle, Shaftesbury, Bath (for Lord Carteret), P. Colleton, J. Archdall. $\frac{1}{2}$ *p.* [Col. Entry Bk., Vol. XX., p. 173, and re-copied, p. 174.]

July 13. 171. Sir Henry Morgan to Lords of Trade and Plantations. St. Jago de la Vega. Recapitulating previous reports as to the temper of the Assembly, the transmission of the returns of exports and imports, and the dismissal of Rowland Powell. 1 $\frac{1}{4}$ *pp.* [Col. Entry Bk., Vol. XXX., p. 41.]

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July 14.
St. Jago de la
Vega.

172. Sir Henry Morgan to Lords of Trade and Plantations. I enclose the naval officer's accounts [*not forthcoming*] of imports and exports from 29th September to 25th March last. The abstracts of the former half year were lost by my Secretary's negligence, but shall be sent without fail by next ship, together with the answers to your Lordships' queries. We are much infested by pirates who, under the name of privateers, presume even to plunder and take vessels belonging to this Island. They took one commanded by Captain Chandeler, who, strangely, afterwards brought him to this Island in a long boat. [Repeats his measures for suppressing them, and other particulars of his letter of 2nd July, No. 158]. Since writing the original, of which this is a copy, the frigate which I sent to convoy Captain John Crocker's ship and negroes to Cartagena is returned. He found the fleet there. The Admiral sent me a packet for the King which I have committed to the care of Mr. Blathwayt. The pirate whom Captain Chandeler brought in is found guilty and executed. The frigate is going out within a few days to cruise and free the coast from several vagabonds that infest it. Our Assembly still sits and business goes on currently and without heat. I have gratified them with some useful Acts for this country in the hope that they may more readily consent to the King's desires in passing the revenue. The suddenness of the ship's departure prevents my sending copies of the Acts at present; I shall not fail to send them by first opportunity. 2 pp. *Signed. Endorsed.* Recd. 2 October 1681. [Col. Papers, Vol. XLVII., No. 29, and Col. Entry Bk., Vol. XXX., p. 42.]

July 14.
St. Jago de la
Vega.

173. Sir Henry Morgan to Sir Leoline Jenkins. A duplicate of his letter of 2nd July (No. 159), with a postscript adding particulars as to the frigates return from Cartagena (*see preceding abstract*). The frigate demanded prisoners but found none; such as were there before his arrival had been sent to Havanna. The Spanish fleet is at Cartagena. 2 pp. [Col. Papers, Vol. XLVII., No. 30, and Col. Entry Bk., Vol. XXX., pp. 44-46.]

July 15.
Council
Chamber.

174. Journal of Lords of Trade and Plantations. Ordered, That Sir John Werden be apprised of the Commission preparing for Sir Thomas Lynch as Governor of Jamaica that he may receive a Commission of Vice-Admiralty from the Duke of York. Recommended that Sir Thomas transmit a journal of his proceedings in the Government, and take care that the Secretary and Clerk of Council transmit there quarterly returns. The Lords also think that the Assembly may be allowed to pass a law devoting the Governor's salary during his absence to any other public uses. [Col. Entry Bk., Vol. CVI., pp. 271, 272.]

July 15.
Council
Chamber.

175. [William Blathwayt] to Sir John Werden. The King has commanded a commission to be issued to Sir Thomas Lynch as Governor and Commander-in-Chief of Jamaica. I am instructed to ask you to move the Duke of York to issue to him a Commission of Vice-Admiralty. $\frac{1}{2}$ p. [Col. Entry Bk. Vol. XXIX., p. 483.]

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July 16.
St. Jago de la
Vega.

176. Sir Henry Morgan to [Sir Leoline Jenkins]. Yours of 26th April received by John Sheffield, master of the ship Guanaboa, together with a letter from the King and two procurations directing me to pay a sum of money recovered here for the proprietor of the ship Prince William of Flushing (*see ante*, No. 76). The procurations specify a greater sum than was effectually recovered, but whatever it is I will take care that Mr. Hazell, who is appointed Attorney here for the proprietors, shall have due and speedy justice. I have sent the naval officer's accounts to 25th March, and shall send them, in future, quarterly. The Receiver-General has now brought me his accounts to 18th January last, and I have appointed one to inspect them. I cannot send them by this opportunity, but shall send them without fail by the next, with the accounts brought down to 18th instant, and carefully sworn to by the Receivers to avoid all suspicion or complaint. I will send such Acts as have been passed at the same time. I wonder that notwithstanding my diligence and care I should have been evilly represented to the King by people who are causelessly prejudiced against me, but I hope you have too good an opinion of me to believe them. $1\frac{1}{2}$ pp.
Signed. [Col. Papers, Vol. XLVII., No. 31.]

July 16.
Nevis.

177. Account of goods imported into Nevis from 16th July 1680 to 16th July 1681. A list of seventy ships with their masters, and a very brief summary of the cargo of each. 5 pp. [*Col. Papers, Vol. XLVII., No. 32.*]

July 16.
Edinburgh.

178. Sir J. Werden to Sir E. Andros. I send you a letter to Mr. Penn, open, to be read, sealed and delivered by you (*see next abstract*). [*Col. Entry Bk., Vol LXX., p. 36.*]

July 16.
Edinburgh.

179. Sir John Werden to William Penn. The Duke showed me your letter of 30th June and desires me to reply. You complain that you had no answer from me, but I really did write all that seemed necessary for your satisfaction, and had already informed the Governor of New York of your patent. As to your renewed proposal for a conference with him respecting the islands on the Delaware and Newcastle, the Duke has not yet come to a decision. The letter for which you ask to the Governor of New York is already granted. But when you speak of islands in the Delaware, I must point out that this is quite a new proposal, and that I have no instructions respecting it. I have always thought that the river was your eastern boundary, and if words respecting islands have been added I can say nothing respecting it, nor can I see how such mention of particulars can include more than the general boundaries. *Printed in New York Documents Vol. III., p. 290. [Col. Entry Bk., Vol. LXX., pp. 35-36.]*

July 19.
[Maryland.]

180. Lord Baltimore to the Earl of Anglesey. I write to apprise you of the present condition of Maryland and Virginia, in relation to some Northern Indians that have lately come down into both Colonies and committed outrages and murders in both Governments. These Northern Indians pretend no design of mischief towards the

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English but tell us they are resolved to destroy all our neighbouring Indians, whom they have subdued, conquered, and destroyed. I believe their next design will be against the inhabitants of both these Colonies, whose stocks of cattle and hogs they have already made bold with, especially in Virginia, where they destroy hogs and cattle before the owners' faces. If the English make any opposition they are immediately fired on by these villains, and in this way five men and a woman were killed in Maryland a month since. Upon these disturbances from these heathen rogues some evil-disposed spirits here have been tampering to stir up the inhabitants of Maryland and of the north part of Virginia to mutiny. Having notice of this, and being certainly informed who were the chief contrivers, I immediately sent orders for the arrest of one Josias Fendall and John Coode, two rank Baconists (*see*, for Bacon's Rebellion, preface of two previous volumes). The first of these was some twenty years ago my father's Lieutenant-Governor here, but upon a breach of trust and beginning a rebellion narrowly escaped the gallows. Since then and during the time of Bacon's rebellion it was expected every day that he would have fallen in with him. Indeed, but for the vigilance and care of one of my lieutenants, Thomas Notley, now deceased, in suppressing the rebellion here in Bacon's time, this Fendall had certainly joined with Bacon, and then Maryland had been embroiled and ruined as Virginia was. The encouragement that he had to lay the present design was the hope that on His Majesty meeting his Parliament there would be such differences as would lead to a civil war; and then there would be no established laws in England, and thus he and his crew might possess themselves of what estates they pleased here and in Virginia. Fendall has a great influence on and interest in most of the rascals in the northern parts of Virginia, where he lived for some time when he was forced to absent himself from Maryland. At that time I gave notice to Sir Henry Chicheley to set eyes over him, and I gave the like notice to Colonel Nicholas Spencer of Virginia, but I fear that the latter, through want either of resolution or of loyalty, did not prevent the seditious practices of this rebel as he might. I may the more boldly affirm this, since formerly, and but a few days before my apprehending this fellow, he had openly entertained and cherished the rascal in his house. This gives me cause to be confident that he has encouraged Fendall in his designs against Maryland, forgetting, or it may be not considering, that a defection in my government may raise another Bacon in Virginia, the people there being as ripe and ready for another rebellion as ever they were; and I know not but that one of the two that I have arrested might have served their turn. If the King send not some loyal active person to command under Sir Henry Chicheley, who is now superannuated, very speedily, the Government of Virginia will be in danger. I pray God that Secretary Spencer be of so much loyalty as to deserve the trust and dignity now conferred on him. Could I be but one hour with you I could satisfy you as to certain matters relating to the King's service which I dare not commit to paper at this juncture. I beg your pardon for giving

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you this fresh trouble before expiating the rudeness of my former addresses. My own and my wife's service to the Countess of Anglesey. *Holograph.* 2 pp. *Endorsed.* Rec. Oct. 1, 1681. [Col. Papers, Vol. XLVII., No. 33, and Col. Entry Book, Vol. LII., pp. 49-53.]

July 19.

181. Minutes of Council of Barbados. The Bill for declaring when the laws of England shall take effect referred to the Committee (see No. 163) on the *Habeas Corpus* Act. The Assembly brought up the Bill for commuting arrears into money payments, which was read thrice and passed. Bill for reviving sundry Acts amended and returned to the Assembly. Bill for securing possession of negroes sent to Committee.

July 20.

Bill for reviving sundry Acts brought up by the Assembly with amendments, read thrice and passed. His Excellency reminded the Speaker of the necessity of doing somewhat for the holding of General Sessions before the adjournment of the Assembly. The Assembly brought an order for the payment of 3,000 lbs. of sugar to Jane Baynes. Report of the Committee appointed for the commutation of the four-and-a-half per cent. duty, viz.—The country will give 5,000*l.* for the four-and-a-half per cent. duty for thirty-one years. They will advance two years' rent without defalcation of interest, in case the King requires his resident Governor for the time being to impose such customs on imported liquors as the Council and Assembly shall from time to time desire; the produce of such Excise to be collected by the officers of the Island and to be paid in the first place to discharge the rent and reimburse the advance and (if any overplus remain) to such other uses as the Government shall appoint; and if the lease [of the farm] cannot be gained without comprehending the Leeward Islands, then they will advance 1,000*l.*, and, more, will lay down 12,000*l.* The third and fourth proposals in the Governor's speech referred to a committee consisting of Henry Walrond, Samuel Newton, and John Witham for report (see *ante* No. 59). The ninth proposal referred to Richard Howell, Edwyn Stede, Thomas Walrond, and Francis Bond for their report. The Assembly desiring further conference with the Council about the commutation of the four-and-a-half per cent. the original committee were appointed conferrers. The conference led to no result. His Excellency, considering the miserable condition of the prisoners, propounded a method for holding a General Sessions with all possible speed. Reserved for consideration to-morrow. The Assembly being come, the Speaker acquainted the Governor that the Assembly can think of no expedient at present for defraying the cost of a General Sessions.

July 21.

The Council considered the settling of the Court of Exchequer. Ordered, That the publication for holding Grand Sessions on 16th August do issue on the 30th inst. Ordered, That Mr. Hannay view the old Session House at Mr. Wilson's and treat with him about the use of it; and that he buy wherewith to hang the Sessions House and fit it up. [Col. Entry Bk., Vol. XI., pp. 417-27.]

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July 19.

182. Journal of Assembly of Barbados. Bill for commuting the arrears of levies into money passed with the amendments of the Governor and Council. Bill to revive expiring Acts, with like amendments, passed.

July 20.

On petition of Jane Baynes, widow of Richard Baynes, late gunner of Hole Fort, ordered that John Hallett pay to her 3,000 lbs. of muscovado sugar for her maintenance for the year 1680. Ordered, That James Carter and James Walwyn be added to the Committee to confer with the Council on the commutation of the four-and-a-half per cent. duty. [Col. Entry Bk., Vol. XIII., pp. 442-4.]

July 21.
Hampton
Court.

183. Order of the King in Council. Referring the Petition of William Fisher, merchant of Tercera, to Lords of Trade and Plantations for report. *Signed*, Phi. Lloyd. 1 p. *Annexed*,

183. I. The petition referred to. About July 1675 Edmond Gould, petitioner's factor at Rochelle, shipped in the ship *Phœnix*, of London, Leonard Haynes, master, a cargo worth 12,000*l.*, consigned to Francisco Pinhero at Lisbon, and Gaspers Ferrary of Madeira, where she was to take in such goods as she could and return to Rochelle. Haynes, instead of sailing where he was bid, proceeded straight to Newfoundland, but being unable there to accomplish his design of robbing petitioner told the ship's company that he would take the cargo first to Virginia and then to Barbados. Arrived at Cherrystone Creek, Virginia, he conspired with two men to unlade the ship as if consigned to one of them, and, failing that, wrecked the ship and conveyed the cargo away under pretence of saving it. Much of it thus fell into their hands and into the hands of Colonel Stringer, Colonel Kendall, Colonel Waters, Major Spencer, Captain Thomas Ball, and others. Some time after, Sir William Berkeley, the Governor, gave his warrant for seizing the ship and goods for the proprietors, seeing she was no wreck; and about four thousand pounds' worth of goods was thus secured. Petitioner sent over an agent in 1676 to see to the matter, who found the goods so dispersed and among such powerful hands that he could get no satisfaction and recovered nothing. Prays that Lord Culpeper may be ordered to examine the matter and report. *Copy. Certified by Philip Lloyd. 2 pp. [Col. Papers, Vol. XLVII., Nos. 34-34 I., and Col. Entry Bk., Vol. LXXXII., pp. 62, 63.]*

July 22.
Virginia.

184. Extract of a letter from Virginia. Thanks for your full and free advice in your last letter. Your apprehensions of these people as able to inflict on us unspeakable injuries are just. Your proposal of contributing to our neighbour Indians whereby to purchase a peace were well worth considering, could one place any faith in such people; but they have shewn so much treachery on treaties and so openly violated all articles of peace made with Indians as soon as resolved on—nay, even before all the

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ceremonies thereof could be performed,—that our neighbour Indians will put no trust in such treaties. They will say that to treat with those northern Indians is either to offer themselves as sacrifices or at least to become their vassals, which they have lately manifested in Maryland, a place no less infested with them than this. They daily expect a blow from these Indians, as, indeed, it is feared that even the extreme parts of this Colony may this fall. A fortnight since they shewed their insolence by leaving the upper parts of the river, entering the people's houses and carrying off what they wanted, killing hogs and cattle, and letting them lie without using any part of them. By some Indian prisoners lately escaped I am informed from Maryland that the Indians who commit these spoils and injuries are some Susquehannas amongst the Senecas, who daily provoke them to ill acts and are the occasion of the war between Senecas and other Indians, which the Senecas never used to do. They used always to march northward and still would, but for the incitement of the Susquehannas. A Mattawoman Indian, lately escaped, proposed to the Government of Maryland that for a small satisfaction the Senecas would deliver up all the Susquehannas to the English, which would be a ready way to effect their quiet. The only hazard would be the difficulty of treating with those Indians, so that the Susquehannas may not know of it and endeavour a flight and then become fiercer enemies. All the hope is that if the Senecas will be hired to deliver them up, they will also be hired to destroy them, for so long as one of that nation lives we cannot expect peace. About a fortnight hence I intend to wait on Lord Baltimore and encourage this without charge or hazard of managing the same. In Maryland Lord Baltimore has apprehensions of troubles from his people. Captain Fendall and Captain Coode are under restraint, and several other protestant gentlemen under bail. The reports of the people are various. Some apprehend ill things without ground. The protestants are dissatisfied that all the arms of the province should be placed in the hands of catholics, as also all the commands. Some seem to hint that restraint was laid on several gentlemen to prevent their being elected by the people to the next Assembly, which is to be held in August. If that be the design, it is ill grounded; for it so heightens the people's intentions of electing them, that they say they will force the prison doors, take out their elected members, and place them in the Assembly house. If a man may judge the hearts of people by their language, they are set against the Government with much bitterness. My opinion is that the Assembly will meet or not according as Lord Baltimore is well or ill satisfied with the elections. If he proceeds with rigour he will provoke the people too highly, but with moderation all may pass over. Otherwise, there will be ill consequences. There is a troop of horse on the upper Potomac in constant motion to protect the frontier inhabitants against the Indians. Last week it refused to march under their captain, because he was a papist. I have not heard what is come of it. Thank you for the intimation of the report Grice(?) should bring from Maryland, that the Nanjatticoe Indians, to whom I gave a pass to trade in Maryland, as they have done

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annually, should be the murderers of the people killed in Maryland under Point Look-out. It is altogether impossible. These Indians delivered up the boat they hired seventy miles from the place on the day before the murder was committed, of which Lord Baltimore is well satisfied. It seems very doubtful whether the murder was committed by Indians, being in a part unfrequented by Indians. All the murdered persons throats were cut and their bodies stabbed, a way of killing unknown to our Indians. It has caused many discourses and affords matter for ungoverned tongues to move over. *One very closely written page. Endorsed, "Extract of letters from Virginia."* Read in Council, 12 July 1681 (*sic*). Reed. from Colonel Ludwell. [Col. Papers, Vol. XLVII., No. 35.]

July 25.
Virginia.

185. Extracts from letters to Lord Culpeper from Virginia. 18th June 1681.—My chief news to your Lordship is our anxiety for Maryland, owing to a recent outbreak of the Indians on the Potomac and Patuxent rivers. Several people were killed on the 15th, by what nation or nations is not known. It is supposed to be the work of the Nanticokes from the eastern shore across the bay. The inhabitants in their discontent irrationally attributed the massacre to the Seneca Indians by the instigation of the jesuits in Canada, and by the procurement of Lord Baltimore in order to cut off most of the protestants of Maryland. They have afflicted themselves with these wild and gross apprehensions for some time. Virginia is naturally disturbed, being separated from danger only by the breadth of the Potomac. Several Indians were lately seen in this country and Northumberland under the disguise of paint. Most parts of the country are not without fear of the Indians, who have lately made unusual preparations for marches, but whether against the Senecas or the English I cannot say; but I have reason to apprehend that they will attack the English while occupied on all sides with the Senecas. These last have lately taken the Occonogee Island, with the King and many of his Indians. All their neighbours expect an attack from them.

26th July 1681.—The present condition of your Lordship's Government is peaceable, but the inhabitants of the extreme parts are in great fear of the Senecas who have inflicted many insolencies and injuries, robbed the houses, frightened the people, and wantonly and maliciously killed the stock. Either they wish to provoke the inhabitants against them or they wish to show by sheer mischief how little they regard us. The consequences will in either case be bad. The Senecas are so remote a people that we cannot hope to reach them at home, while it is equally difficult to find them abroad. The hazard, too, is great. It is a stout, numerous, rapacious people, composed of many nations, receiving all sorts of outlying Indians, and therefore an ungoverned people, with whom no treaty can be depended on. The old men say that they cannot restrain their young men. The Susquehannas who escaped the siege of the Susquehanna fort have joined the Senecas and become their people. These same Susquehannas are implacable against the English; and other neighbouring Indians moved the Senecas to their late raid to

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the South. We shall be infested with these so long as the Susquehannas live among them. The Senecas can be hired to do anything, and the only expedient that I can suggest is to bribe them to give up their Susquehannas to a neighbouring tribe to be dealt with after their manner, or to the English to be transported. There has been the same trouble with these Indians in Maryland, as well as intestine dissension. Several of the leading protestants have been in custody on suspicion of insurrection which they denounce as a feigned accusation, designed as an excuse to put the papists in arms. The Assembly meets 17th August, and Lord Baltimore intends to submit the accusations to them. The protestants are doubtful if the Assembly will meet. If it does, they mean to bring forward their grievances, one of which is the arrest of some gentlemen in their own houses at dead of night in time of peace with force of arms and without warrant shewn. Directly after they were seized, they were hurried to prison where they still remain. It is supposed that Lord Baltimore has been too readily persuaded to these harsh proceedings. I cannot discover the charges. The general pretext of an insurrection was put forward, but there was little appearance thereof. No arms or ammunition were found sufficient to defend the families of the arrested from an attack of Indians. *Copies. 2 pp. Endorsed,* "Recd. from my Lord Culpeper, 12 Oct. 1681." Read in Council same day. [Col. Papers, Vol. XLVII., No. 36.]

[July 26.] **186.** The Council and Burgesses of Virginia to the King. The Virginia.
great quantities of tobacco grown in Maryland and other of your Majesty's plantations has brought the price so low that without speedy remedy we cannot much longer subsist. After considering all ways and means of relief we find none more probable than a total cessation of planting tobacco in this country, Maryland, and Carolina during this year. We have entreated Lord Culpeper to present this address and to represent our distress for want of an order from you for cessation, and to present you a Bill, not doubting that you will encourage us to cohabitation by some immunities, though to the diminution of your own royal treasure. We beg you therefore to remit the one penny in the pound to all genuine inhabitants of the towns mentioned, and one halfpenny a pound to such inhabitants as ship tobacco to England and Wales, which immunities, granted for seven years, will restore us. And to the better advance of trade and cohabitation we beg that it may be lawful for us to enhance twenty-five per cent. upon your Majesty's and all foreign corn imported hither over and above its current value, with a prohibition for the exportation thereof. *Sheet. Signed, Nich. Spencer, Secretary of Council, Tho. Ballard, Speaker. [Col. Papers, Vol. XLVII., No. 37.]*

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Nevis.

187. Governor Sir William Stapleton to [Sir Leoline Jenkins ?]. My best thanks for some lines from you, and for the King's declaration concerning Statia. I have sad news to tell you of a massacre by Indians in Barbuda and an intended design of theirs on Antigua (see No. 190). If I write no more it is because I presume that writing to the Lords of the Committee is the same

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as writing to your Honour. *Holograph.* $\frac{1}{2}$ p. *Endorsed.* Rec. 23 Sept. 1681. [Col. Papers, Vol. XLVII., No. 38.]

July 26.
Nevis.

188. Governor Sir William Stapleton to Lords of Trade and Plantations. The last orders that I received from you were of 12th March. Although the fault is not mine, I must beg your pardon for not sending the Acts according to orders. I made two voyages to Antigua and Montserrat for no other purpose than to effect that part of my duty, and found the Acts and accounts transcribing. I ordered them to be sent after me and they were promised, but I had to threaten to send some of the officers to Whitehall to answer their neglect or I should not even now have obeyed your orders. It is a great trouble to me and to the Patentee, who cannot be in each of the Islands to act. I have received the report concerning the Treaty of Neutrality. If it takes effect in nothing more, can your Lordships oblige the merchants and planters? I have put some instruments to sound the thoughts of the French as to the exchange which I ventured to suggest of Montserrat for St. Christophers. It being but a project of my own brain I cannot promise its success, only the interest that governs most men that have not true principles of loyalty may bring them to exchange and live under the English Government which is so sweet and easy. The French pay 120 lbs. of sugar, capital rent, to their King per annum for themselves, servants and slaves, and 4 lbs. in France for every 100 lbs. weight of the produce of their plantations there transported, and we only pay the $4\frac{1}{2}$ per cent. here and eighteenpence at home. The complaint made against the ministers is without any cause. Mr. Mollinax [Molineux] is he that is appointed for Montserrat, who was called before myself, Deputy Governor, and Council of that Island. He delivered to us there that he was well used, and if they are not also it must be their own faults for not making application to me or the Deputy Governors for redress. Colonel Cotter, who is the Deputy Governor in that Island, will make it so to appear. Each minister has sixteen thousand [pounds of sugar] per annum and two thousand for a clerk, besides the perquisites for marriages, funeral sermons, and other church dues, and all without any charge for receiving the same. Because Mr. Heylyn goes home to recover his health and others are wanting, I have now prayed my Lord of London to send over four able ministers and not young graduates. There is an absolute necessity of having a man of parts in St. Christophers, for that there are not any parish clergy, but French and Dutch Calvinists and Lutherans, which I suppose to be no less adversaries to the Church of England, as it is orthodox, than each is to the other. Whoever goes to St. Christophers may have two hundred pounds per annum, for we will add two parishes together that they may live comfortably. I beg your Lordships to consider the condition of the two companies at St. Christophers, which on the 7th July last are three years in arrears, as am I also myself for the salary the King is pleased to allow me and for my arrears in Sir Tobias Bridge's regiment. I cannot keep red coats

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upon their backs longer nor can they live without victuals. To disband them, with a revocation of my own commission, would be more pleasing to me than to see English soldiers starving and naked and the French ones well accoutred and fed on the opposite frontier. My credit will not long support them. He that was my deputy on the Island being dead, I have given the command of one of the companies to Colonel James Cotter, who has a furlough for ten months and presents this, the Acts and other papers to you. One thing more I offer for consideration, to have all the Acts for the Leeward Islands alike, there being no difference in nature or constitution. The only exceptions are two Acts, viz., the Acts for forfeiting and reinvesting the then present proprietors, by reason of the French conquest with their cannibal and heathen assistants, which may extend to this Island only. All others, in my humble judgment, should be the same in the same Government. The Act for extent of lands and slaves in Antigua has been and ever will be a hindrance to the thorough settlement of that Island. It was passed before my time. If there be anything illegal or contrary to the royal prerogative in these Acts, pray excuse my ignorance. *Postscript.*—I beg your direction in one matter, whether I may not apply the 1,500*l.* granted for the erection of forts in the Leeward Islands to the building of one fort in our island. Divided in four it will not pay the labourers' wages for building the face of the bastion and digging the foundation. *Holograph.* 2 pp. *Endorsed and inscribed,* "Recd. 19 Sept. Read 11 Oct. 1681." [Col. Papers, Vol. XLVII., No. 39, and Col. Entry Bk., Vol. XLVII., pp. 16–20.]

July 27.

Nevis.

189. Sir William Stapleton to Lords of Trade and Plantations.
 Since my letter of yesterday, I have a sad accident to report in the often reiterated cruelties of the Indians of St. Vincent and Dominica, who have murdered the people living in Barbuda. Colonel Cotter has the original letter written by a French gentleman who gave the information (*see next abstract*). I understand it to be true in all but the number of murdered, which is but eight out of twenty. I have no particulars yet from them, but have sent a boat to procure them. I do not question the fifty periagos from the main, St. Vincent and Dominica, which with forty bowmen apiece makes two thousand men. But I hope it will not be thought an infringement on the Government of Barbados, if I take every opportunities to avenge the blood of my fellow subjects upon those heathens, as it was thought in Sir Jonathan Atkins's time, who might easily have prevented this by embracing a proposition that I made him to join in destroying the Indians of St. Vincent, which is near Barbados, and those of Dominica also. I have often writ concerning these bloodhounds, as Mons. La Barre called them when he made use of them in the conquest of Antigua and Montserrat. The hurricane time hinders my design against them now, but I will first give notice to Sir Richard Dutton of the massacre and robberies, though they are no more at his subjection [under his control] than those of Orinoco, notwithstanding the two Islands are in his Commission. I have received

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the King's orders sent through Sir Leoline Jenkins for unarming Statia and Saba, also a mandamus sent by the Commissioners of the Treasury inhibiting the remission of fines and forfeitures. They shall be obeyed, though the latter may be hard. If for instance a poor fellow transgresses the Acts of Trade, goes, he and another, in a canoe, and brings in anything by law forbidden, he has nothing but his boat to support his wife and children. Or if he is fined for anything else to the value of fifty or a hundred pounds of sugar and has nothing but his skin, he must remain in durance till the King's pleasure is known. All other fines and impositions by Acts have always been applied to the maintenance of warders and gunners for erecting and supporting platforms, or to purposes of Government. *Holograph.* 2 pp. *Inscribed,* "Recd. Oct. 17, 1681." [Col. Papers, Vol. XLVII., No. 40, and Col. Entry Bk., Vol. XLVII., pp. 20-23.]

July 27.
Guadeloupe.

190. Mons. B. Lapoterie to Sir William Stapleton. I beg to inform you that there is a party of fifty Carib periagos from the Main, St. Vincent and Dominica which has a design for a descent on Antigua, and that in two months. I know it from themselves, for I saw them on their return from Barbuda from which they came loaded with plunder, and where they say they have made a great massacre. They assured me that their rendezvous was at Dominica. It is a week since I saw and spoke with them, and I seize this opportunity, through the good offices of M. de Vigne, to entrust him with this letter to you. I swear to you as a man of honour that if I could have found no better conveyance I should have embarked in a canoe with four negroes, and gone to Antigua myself to give this warning to M. Jem Roussel [James Russell], your brother-in-law. The invariable courtesy and civility that I have received from you leave me still under obligations to you, and when the opportunity presents itself to me to give you proof of my humble service, you will find none more zealous than mine. Pray let me recommend to you my son, to whom I have no time to write. *French. Holograph.* 2 pp. *Endorsed,* "A letter from a French gentleman to Sir W. Stapleton." [Col. Papers, Vol. XLVII., No. 41.]

July 27.

191. Journal of Lords of Trade and Plantations. Petition of Royal African Company considered, for permission to export five thousand weight of crewel to Guinea. It being the Attorney-General's opinion that it may be exporteda s a perfect manufacture, like thread, and therefore not yarn within the meaning of the Acts of Parliament, and the opinion of the Commissioners of Customs that the manufactures of England will not be prejudiced thereby, agreed to report that leave may be given.

On the unwillingness of the Jamaica Assembly to raise a public revenue, the Lords will recommend that the offices of Lieutenant and Major-General be discontinued and the expense saved. [Col. Entry Bk., Vol. CVI., pp. 272, 273.]

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Council
Chamber.

192. Lords of Trade and Plantations to the King. Forwarding Sir Thomas Lynch's commission and instructions for execution, also the revocation of Sir Henry Morgan's and Sir Francis Watson's commissions as Lieutenant-General and Major-General. *Signed*, Anglesey, Clarendon, Radnor, L. Jenkins. [Col. Entry Bk., Vol. XXX., p. 40.]

July 27.

193. [William Blathwayt] to Lord Craven. I am directed to enclose you an extract (*see* letter of Lords Proprietors of Carolina post, 20 Dec. 1681) concerning the boundaries of Virginia and South Carolina, of which province you are Palatine, and to request the Lords Proprietors to return their answer upon the matter in dispute to the Lords of Trade and Plantations. *Draft. Endorsed*, "To my Lord Craven about Carolina." 1 p. [Col. Papers, Vol. XLVII., No. 42.]

July 28.
Whitehall.

194. Order of the King in Council. Recommended by the Committee of Trade and Plantations that Sir Thomas Lynch's commission be transmitted to Mr. Secretary Jenkins to be despatched in the usual form, and that the commissions of Sir Henry Morgan and Sir Francis Watson be revoked. Report dated 27th July, and signed, Anglesey, Clarendon, Radnor, and Jenkins. Ordered accordingly. [Col. Entry Bk., Vol. XXX., p. 40.]

July 30.
Virginia.

195. Extract from a letter from Virginia. I have little to add to my letter of 22nd instant (*see ante*, No. 184). At present, God be thanked, our affairs are peaceable. The Seneca Indians are drawn off, but we are not without apprehensions of their return, and if they return this fall it will be for mischief, though whether to this country or Maryland I cannot say. By escaped prisoners we learn that they are dissatisfied with both governments, and if they should attack we are in an ill condition for defence, and Maryland in a worse by reason of her intestine distractions. They are ready in Maryland to break forth into acts of violence, and I dare publicly say that they wait only to see if their grievances will be redressed in the Assembly, and that if not they will give ease to matters themselves. Fendall and Coode are still in custody; the charges against them are, I hear, of little weight, and it is said that they are only secured to prevent them from sitting in the Assembly. The people threaten to release them by force. $\frac{1}{2}$ p. *Endorsed*, "Recd. from Colonel Ludwell and read in Council 12 Oct. 1681." [Col. Papers, Vol. XLVII., No. 43.]

Aug. 6.

196. *Mem.*—A letter was given to Mr. Richard Banks by the Lords Proprietors of Carolina desiring the government of the north part of Carolina to give him a manor of three thousand acres according to precedent of 26th March (*ante*, No. 54). [Col. Entry Bk., Vol. XX., p. 170.]

Aug. 6.
Windsor.

197. Commission to Sir Thomas Lynch to be Captain-General, Vice-Admiral, and Governor-in-Chief of Jamaica. This Commission

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gives powers to appoint and suspend Councillors; suspended Councillors to be incapable of holding any public office. Remaining powers unchanged. *Countersigned, L. Jenkins. [Col. Entry Bks., Vol. XXX., pp. 1-18, and Vol. XCIX., pp. 53-63.]*

Aug. 9. **198.** Minutes of Council of Barbados. Petition of Aaron Baruch Lanzade, Daniel Bucino, and Jacob Founzeke, on behalf of the Jews of the Island, praying for enforcement of an Order of Council of 1675, permitting them the use of the Courts for their protection as traders and the right to trade. Petition referred to Assembly, with the recommendation to prepare an Act to preserve the Jews' rights to appear in Court; and meanwhile Ordered, That the Order of 1675 be enforced.

Aug. 10. Bill to raise money for several public occasions brought up by the Assembly, read thrice and passed. Bill for defining freeholders deferred. Orders for paying a sum to the executors of Simon Lambert, and a quarter's rent to Madam Stanfast, and a sum to Thomas Cuddugging, passed. Petition of Thomas Kirton for confirmation of land inherited by him granted. [Col. Entry Bk., Vol. XI., pp. 427-434.]

Aug. 9. **199.** Journal of Assembly of Barbados. Christopher Codrington being absent through sickness, Edward Littleton was elected Speaker. Bill to revive an expiring Act received from the Governor and Council and ordered to be transcribed.

Aug. 10. Voted that a present be made by this House to His Excellency Sir Richard Dutton. Ordered, That at next sitting a full debate be held on the levy of an excise on wines and other liquors. Voted, that a tax for public occasions shall be laid on negroes and not on land, and ordered that the tax be of ninepence a head, and that Jews be assessed in proportion. Bill to this effect passed two readings. Ordered by the Governor, Council, and Assembly, that John Hallett pay to the executors of Colonel Simon Lambert 24*l.* 16*s.* 8*d.*, and 10,249 lbs. of sugar for money expended by the said Colonel on the fortifications in Speight's Bay; to Madam Elizabeth Stanfast 87*l.* 10*s.* for one quarter's rent of Fontabelle House; and to Thomas Cuddugging 6,650 lbs. of muscovado sugar for cutting of stones for the Leeward fortifications. Adjourned to 4th October. [Col. Entry Bk., Vol. XIII., pp. 444-447.]

Aug. 9. **200.** Lord Culpeper to Lords of Trade and Plantations. I have perused Mr. Randolph's papers, and during my stay at Boston I heard of most of the matters therein specified. As to the measures for preventing irregularities in trade I think them necessary, but not being well versed in the position shall add nothing, except that all possible encouragement should be given to the King's officer who is entrusted with so difficult a duty. As to the mint at Boston I think that, especially as it is managed, it is extremely prejudicial to all the King's subjects in what place soever, that deal with them. They call the piece that they coin a shilling, and it is current in all payments great and small, as, without special contract (in which no

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one can lose less than ten per cent.), equal with the English shilling; and this though it is not so fine in itself and weighs but three pennyweight against the English four. It is impossible to prevent the loss by bills of exchange, for they value their bills as they please and exact six per cent. coinage of all silver brought in their mint, to say nothing of loss of time. If therefore it be no longer connived at, it is absolutely necessary that the English shilling be made current there by law or proclamation at sixteenpence, and so proportionally, and coinage made more moderate and speedy.
1½ pp. Signed. [Col. Papers, Vol. XLVII., No. 44.]

Aug. 10.
Council
Chamber.

201. Journal of Lords of Trade and Plantations. Agreed to recommend that no grants be passed for the future for the quit rents of Virginia to any person, but that the same be applied to the support of the Government. [*Col. Entry Bk., Vol. CVI., p. 274.*]

Aug. 16.
Council
Chamber.

202. Journal of Lords of Trade and Plantations. On consideration of the Revenue of Virginia, ordered that a letter be written to Colonel Norwood requiring him to give an account of his receipts and management of the Virginian quit rents in 1669; also that the Surveyor-General return surveys of all lands patented and set out, and of the quit rents payable on them. Lord Culpeper mentions an address of the Virginian Assembly desiring the auditor's place to be left to the nomination of the Governor; but their Lordships think fit that the patent granted to Mr. Blathwayt of Surveyor and Auditor General of Revenue in the Colonies be punctually complied with in Virginia, and that it is best for the King's service that Mr. Blathwayt's deputy on the spot be appointed by the Lords of the Treasury according to the patent and the established practice. [*Col. Entry Bk., Vol. CVI., pp. 275, 276.*]

Aug. 16.
Council
Chamber.

203. Lords of Trade and Plantations to the King. We have considered several papers submitted to us by Lord Culpeper respecting your Majesty's revenue in Virginia. We recommend that the Commissioners of the Treasury consider the best means for bringing the quit rents into your hands according to your promise to the Assembly; also that your orders of 30th June 1680 to check abuses in the management and disposal of the revenue in Virginia be renewed, as they have not yet been obeyed. Report approved, and instructions given accordingly. [*Col. Entry Bk., Vol. LXXX., p. 404.*]

Aug. 16.
Nevis.

204. Sir William Stapleton to Lords of Trade and Plantations. My last was of the 27th July (*see ante*, No. 189), reporting the murder of the King's subjects at Barbuda, which happened on 4th July last at three in the afternoon. Forty Indians came up to the house, wherein there were only three men, two women, and two children. The Indians left the rest of their companions at the seaside or in bushes. It is reported that they were three hundred men, or, as I judge, two hundred and forty, in six periagos. As they came to the house they spied one of the people splitting of

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wood, whom they struck with arrows and left for dead. To those in the house they pretended, as is their most treacherous custom, that they came in friendliness, and demanded drink, which was given them through a window. One of them within told them, "If you come in friendship go and expel the poison of those arrows you have shot at the man without and cure him." But instead of applying the juice of the Indian arrow-root to him, one of them, who spoke good English (called Captain Peter, who lived formerly at Barbados with Colonel Morris), staved his brains out with his own axe, saying, "Hang the dog, he is not to be cured." On this they discontinued their parley, and the Christian within fired and shot Captain Peter in the hand, and he shot the Christian in one of his fingers. On this they parleyed again with each other to fire no more, but the treacherous villains killed three boys that were without the house, knocking their heads against a tree. In fine they got all the party that they had hid to the house and forced in one of the rooms, the people within not being able to defend round all the rooms. The commander of the place, one Captain Francis Nathan, being abroad with some men, came up to the defence of the house, was shot by the Indians through the heart with a brace of bullets. They killed in all eight. His wife, his two children, and a servant woman escaped by the assistance of one of the men while the Indians were drinking kill-devil or rum (this country's spirit) and pillaging the house. There were three of the barbarous heathens killed. Two of them were carried off, as is always their practice if they can, and Captain Peter was left dead behind them. I beg your pardon if I am tedious, but I beg you to represent to the King the necessity for destroying these Carib Indians, and move him either to order the Governor of Barbados to do it, which is an easy thing for that Government to do through its nearness to St. Vincent and Dominica, or to put me in capacity to perform that good piece of service whilst we are in amity with the French. I beg at least that it may not be disliked if I take all opportunities to drive them to the Main if I cannot compass their total destruction. I need not dwell on the importance of this affair to the safety of the Leeward Islands, not doubting that you are sensible thereof. We are now as much on our guard as if we had a Christian enemy, and more, for we fear no such at this time of year, neither can any such surprise us but these cannibals who never come *Marte aperto*, though they have generally good fire-arms from the French and Dutch, and are as good firemen as any. *Postscript.*—I humbly offer to your consideration the depositions annexed if worthy thereof, or of demanding satisfaction by this opportunity. I hope the copy of the four-and-a-half per cent. will be received by Mr. Blathwayt. *Holograph.* 2 pp. *Inscribed,* "Recd. 17 Oct. 1681." [Col. Papers, Vol. XLVII., No. 45, and Col. Entry Bk., Vol. XLVII., pp. 23–26.]

[Aug. 16.] **205.** Charge delivered by Sir Richard Dutton to the Grand Jury at the Sessions of Barbados. *Copy.* 2½ pp. *Inscribed and endorsed,* "Recd. 24 Oct. 1681." [Col. Papers, Vol. XLVII., No. 46.]

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- [Aug. 16.] **206.** Presentment of the Grand Jury to Sir Richard Dutton. Calling attention to the inconveniences caused by unskilful jurors, to the exorbitant claim of fees by the marshals of the Courts, and asking the regulation of the same by Act; to the non-execution of the laws against rum-sellers; to the evil done to the island by vagrant and poor Jews, and to the want of a state-house and common gaol. 2 pp. *Nineteen signatures.* [Col. Papers, Vol. XLVII., No. 47.]

[Aug.]

- 207.** Memorandum of Lords of Trade and Plantations. Their Lordships have received Sir Richard Dutton's letters of 30th May and 14th June (*ante, Nos. 123, 136*), and recommend his proposal that an Attorney-General be constituted for Barbados, and that Mr. Richard Seawell be appointed to that office. As to the Exchequer, they think that all services relating to the Exchequer may be determined by the other courts of justice, and that, if any further powers be necessary for the judges on this account, the Governor may signify the same to the King to await his pleasure. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. VII., p. 84.]

Aug. 22.
St. Jago de la
Vega.

- 208.** Sir Henry Morgan to Sir Leoline Jenkins. Since my last "I am by the public rumour and vogue possessed" that the King has disbanded the two companies [of English soldiers] here. We have had such a report for a long time, but I have ever looked upon it as groundless, as I had no account of it from Court, and should much wonder if it were so, and so great a charge imposed on the Colony without intimation. It is said that Colonel Long induced the King to dismiss the companies as being useless here. I am much startled by the Colonel's allegation, seeing that our daily experience proves the contrary. They are constantly employed either at sea or ashore, in bringing in runaway or rebellious negroes or reducing of pirates, who, as I have already told you, are very numerous. Twenty of the soldiers are at this moment on board the Norwich in pursuit of a powerful and desperate pirate, and I hear that there has been an encounter and that some of them are wounded, but I know no particulars. By this you will judge of their usefulness. I urge nothing in favour of myself since I am daily in likelihood of being removed from the Government; it is for the King's service and for the good of the Island that I urge their continuance here, and I beg your good offices with the King in supporting my supplication that they may be continued. *Signed. Postscript in holograph.*—I have never received any advice from Court about them beyond a copy of a "resulte" [resolution] of the Lords of Trade and Plantations, offering it as their opinion that they should be disbanded. This I received from my correspondent, and never thought it a sufficient order to disband the King's soldiers, raised by his commissions under his sign manual and signet. For it is a common maxim, nothing can cut a diamond but a diamond, so I humbly conceive I am not nor cannot be safe in doing of it except I receive the King's command under his hand and the seal of your office or of the Privy Council. I beg therefore once more to know the King's

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pleasure herein, for it is heavy upon me to maintain these men of my company, who are, whatever may have been said, a full hundred men, at my own charges, and much heavier on the other parties. "God preserve your Honour" is and shall be the daily prayer of Henry Morgan. $2\frac{1}{2}$ pp. *Endorsed.* Recd. 25 Nov. 1681. [Col. Papers, Vol. XLVII., No. 48.]

Aug. 27.
Barbados.

209. Abstract of the sentences inflicted by Sir Richard Dutton at the Barbados Sessions held 16th to 27th August 1681. Four murderers sentenced to death; four burglars also sentenced to death; four prisoners found guilty of manslaughter pleaded their clergy, and were sentenced to branding of the left hand; six thieves sentenced to be whipped; one prisoner (a Quaker) to stand in the pillory for an hour as a blasphemer; three prisoners sentenced to death for running away with a ship and cargo, two others who pleaded guilty of the same offence being pardoned; one burglar and one thief pardoned for acting as approver and brander respectively; and one prisoner charged with manslaughter acquitted. *Sheet. Endorsed.* [Col. Papers, Vol. XLVII., No. 49.]

Aug. 30.

210. Account of the proceedings of the Governments and inhabitants of Boston and Portsmouth, relating to the Collector of the King's Customs from 20th December 1679 to 20th January 1680. By Edward Randolph. Twelve articles and ten recommendations. Referred to Commissioners of Customs (*see next abstract*). *Endorsed.* Read 12 Sept. 1681. [Col. Papers, Vol. XLVII., No. 50.]

Aug. 30.
Custom House.

211. Commissioners of Customs to Lords of Trade and Plantations. In obedience to your letter of 11th July, we offer the following report on New England. We have read the paper sent to us and discoursed with Mr. Randolph on the same. It is alleged, first, that the King's Commission for administering the oath to the Governor of Boston, directing the observation of the Acts of Trade and Navigation, was not executed as required. Mr. Randolph tells us that the Commissioners empowered to administer the said oath were not admitted to execute the same, but that the order was overruled by the General Court, who directed their Secretary to administer the oath. Mr. Randolph further informs us that when, in May 1680, Mr. Bradstreet was elected Governor for the following year, neither himself nor any other of the Commissioners, except such as were magistrates, were present, and therefore he cannot tell whether he was sworn or not. We leave it to you to judge how far this is a contempt of the royal authority, and how necessary it may be to signify the King's resentment thereof. Next, as to the second article, viz., that in the trial of the pink Expectation Mr. Danforth openly disowned the authority of the King's Customs officer and refused to admit Randolph to prosecute except as a common informer, we point out that Randolph made the seizure under our instructions and the law of 1671, and that it seems to us to be good. He has, of course, no more right to seize and prosecute in our commission solely than any other person.

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The third particular is, that juries are sworn to proceed according to the laws of the country, and that the Acts of Trade are not declared nor owned in Massachusetts. Mr. Randolph informs us that although the Court held at Boston on 26th October 1677 made an order for the execution of the Acts of Trade and Navigation, yet that no laws are considered to be binding but such as are proclaimed by beat of drum and other formalities, which formalities were omitted. We think that the laws should be proclaimed with all necessary formalities without delay. The fourth article we omit, being a matter of law. The fifth complains that masters of ships enter to and from what ports they please and report their lading accordingly, refusing to take the oath. To this we observe that no masters are obliged by law to make their entry on oath but such only as come to New England with enumerated articles, or load them there for some other place. On failure to comply they incur a fine of 100*l.* The sixth article complains that the Governor refused to grant a warrant to seize certain prohibited goods, of which there was information given that they were landed in a warehouse at Boston. Mr. Randolph, in this, acknowledges it to be neither the law nor the practice of the country to issue such warrants; but we would point out that the Act of 1662 gives to English Custom-house officers certain powers in this relation, and would submit whether it be not expedient to extend this law to New England. The seventh article complains that Randolph's deputies were imprisoned and fined if found on duty at night, and some severely beaten; that one was imprisoned at Portsmouth and forced to pay a fine of ten pounds for accepting the place of deputy. Mr. Randolph informs us that the law forbids people to be abroad in the streets after ten at night, and we understand that the question of the fine is pending before the King. The eighth article deals with mutinies which were raised to disturb Randolph in the execution of his duty at Boston; at Portsmouth there was a design to prosecute him as a felon. Mr. Randolph has given us proofs of this, but withal says that he took no legal proceedings against the mutineers, being advised to the contrary by the Governor. We think therefore that the case may be met by an instruction to the Governor to put down such mutinies in future. The ninth article, as to the granting of a false pass to a ship by the Governor of Guernsey, we pass over. The tenth article charges the Customs officers at Carlisle and Minehead with granting false certificates to vessels bound from Scotland and Ireland to New England. We reply that we have dismissed the officer at Minehead, and hope that there will be no further ground for such complaint. The eleventh article we have already dealt with in our comment on the third. The twelfth article complains that, a seizure being made, Randolph was immediately arrested for damages unless it were at once prosecuted; and that if a Court were called he had to deposit ten pounds before he was permitted to prosecute. Randolph informs us that this is the practice of the country, and that it applies to all others in the like case.

We have also considered Mr. Randolph's proposals for preventing the several matters complained of. We have dealt with the first

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under the fifth article. 2. That Nantasket be included in the harbour of Boston, and that the Island of Shoalee and both sides of the Piscataqua be included in Portsmouth. We would point out that in England all creeks and havens are allotted to some head port. 3. That Cape Acme Harbour and Marblehead be included in the port of Salem. Mr. Randolph informs us that this can be done by an Act of New England. It would be much for the King's service. 4. That no ship be allowed to pass the forts till visited and certified by the King's officer. We observe that officers have no such power in England. 5. That all vessels from Scotland, Ireland, and Holland bring a certificate of what goods they have cleared in England. This is virtually in practice already. 6. That the King's officers be free to attend to their duty at night and be empowered to search for and seize prohibited goods. We have dealt with this in the sixth and seventh articles. 7. That they have power to board ships, coming within the Capes, at sea, and bring those into port that refuse to produce their clearings. There is no such power in England, and we cannot recommend it. 8. That the King's Customs officers in the Colonies give certificates of enumerated commodities shipped in New England ports, and that no European goods be unloaded from New England without such certificate. The officers have already sufficient powers to this end. 9. That several persons at Boston and Portsmouth be prosecuted for obstructing the King's officer in the execution of his duty. This is very requisite and necessary. 10. That no foreign vessels coming under pretence of distress into New England ports be permitted to wood and water without sanction of the King's officer, and receiving a waiter on board during its stay. We think this a great hardship and inconsistent with international amity.

Signed, Ch. Cheyne, John Upton, W. Butler. 14 pp. [Col. Papers, Vol. XLVII., No. 51.]

Sept. 1.
H.M.S.
Antelope.
Bay of Bulls,
Newfoundland.

212. Captain James Story to [William Blathwayt?]. Since my arrival I have been myself to southward and made what observations I could of the country and trade, sent an officer northward to do the like there, which reports I now send for the Lords of Trade and Plantations. *Holograph.* 1 p. *Endorsed.* Recd. 14 Oct. 1681. *Annexed,*

212. i. An account of the fishing ships, sack ships, planters, and boat keepers from Trepasse to Bonavista, and from thence to Fair Island, the northward part of the island. *Trepasse*, seven ships, three planters. *Renoose*, eight ships, ten planters. *Fermoose*, eight ships, five planters. *Aggaford*, twelve ships. *Capelin Bay*, four ships, one planter. *Ferryland*, eight ships, twelve planters. *Isle of Spears*, one ship. *Toad's Cove*, nine ships, four planters. *Bay of Bulls*, seven ships, ten planters, and boat keepers. *St John's*, eighteen ships, twenty-one sack-ships, twenty-nine planters, twelve boat keepers. *Notes as to St. John's.*—The trade of the Irish to Newfoundland is linen, clothing of all kinds, meat, cheese, butter, and all

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sorts of small merchandise. The ships likewise bring over many women passengers whom they sell for servants. A little after their coming they marry among the fishermen that live with the planters, and, being extremely poor, contract such debts as they are not able to pay. If the care be not speedily taken for the preservation of such passengers coming over (*sic*) the country will soon be ruined. There are also six small ships from New England, which bring provisions, tobacco, rum and molasses, and take away all sorts of cordage, linens and woollens, brandy, refused fish (*sic*). They carry away with them as many seamen as they can. The planters follow the charter as is most for their profit. The masters of ships, who have built stages, pull them down themselves for firewood, and what they leave the planters take away. If there were an ordinance forbidding either masters or planters to destroy the stages under penalties, the work would remain, and great expense would be saved. The fur trade is further north, towards Bonavista; it is worth perhaps 500*l.* a year. The planters go a furring about the middle of September, and take no provisions with them but bread and salt, finding beavers, otters, and seals enough to feed on. They carry guns, and kill also a great deal of venison, which they salt down for the winter. They return about 1st May. *Petty Harbour*, three ships. *Bay of Consumption*, twenty-three ships, five planters. *Harbour Grace*, five ships, five planters. *Bay of Ardes*, nine ships, ten planters. *Ter Bay*, five ships, three planters. *Trinity Bay*, nine ships, fourteen planters. *Bonadventure*, five ships. *Catatena*, two ships. *Bonavista*, seventeen ships, thirty-two planters. *Harbour Maine*, seven planters. *Bay of Robbers and Bryer's Cove*, four planters. *Carbonere*, eleven planters. *Silly Cove*, *New Parlican*, *Heart's Content*, *Tronty*, *Trinity and Ragged Harbour*, sixteen planters. *Barrow Harbour*, two planters. *Salvagie*, seven planters. *Fair Island*, three planters. [All ships are given with their names, master's names, port of registry, and numbers of crews. All planters are given by name, with the numbers of their families.]

Intelligence of the French trade. I have received a good account from two Englishmen, Stephen Doshick and John Molum, who live at Placentia. They say that the French fishing is not carried on like the English. The French boats "give to each boat's master thirty-four quintals of fish, to every midd twenty-eight for the fishing season," but then they must catch three hundred quintals to a boat. If they do not catch so much their wages are reduced in proportion; so here they have the advantage of the English. There are no forts or castles in any of their plantations. There was a fort of twelve

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guns at Placentia, but it is now ruined, and not above three guns mounted; the rest lie in the ground, with the carriages rotten and broken. There is a Governor, but he has no allowance from the King or from the planters who live there. Nor has he any allowance of arms and ammunition, but he fishes as other planters do, and keeps eight boats. They have caught from three to four hundred quintals a boat this year. In the French quarters they have three-quarters of the land and the best fishing places. Their ships generally come in about the 2nd or 3rd February to the Bay of St. Maries, and generally leave at the end of July. All are gone before August, for the fish come in sooner on their coast than on ours. Their ships are from three to four hundred tons. Those at Placentia and Trepasse are from Bordeaux, Bayonne, and St. Jean de Luz, and there is fifteen or sixteen sail of "Biscaneeres" [Biscayan?] ships of twenty and twenty-four guns. The St. Malo men fish in the quarter of St. Peter's, and there are ships of twenty to thirty guns double-manned. All French fishermen carry their own fish to market. It is reckoned that a hundred ships fish in the French quarter from Trepasse in the south to St. Peter's in the north. Their trade grows every year. They will let no English live among them but such as turn Roman Catholic. There is a priest in every ship that comes over every year, and they leave some behind them to keep the people steadfast in their religion. 21 pp.
Endorsed. Recd. 14 Oct. 1681. Read 31 Jan. 1681[2].
[*Col. Papers, Vol. XLVII., Nos. 52, 521.*]

Sept. 1. 213. Sir Thomas Lynch to William Blathwayt. Captain Reginald Wilson's friends here have made application to me about his having a patent for naval officer at Jamaica. Please let the Lords know that his petition intimates that I established that office to inspect all bills of lading and cocquets that I might not be surprised, but that the several Acts of Trade and Navigation might be exactly complied with according to my oath and duty. He discharged the office very exactly during my time, so I conceive that their Lordships could not find a fitter man for the place.
Holograph. 1 p. *Inscribed.* Read 3 Dec. 1681. [*Col. Papers, Vol. XLVII., No. 53.*]

Sept. 3. 214. Journal of Lords of Trade and Plantations. Sir Henry Morgan's letter of 2nd July (*ante*, No. 158) read. Names of several persons for the Council of Jamaica read, approved, and ordered to be inserted in Sir Thomas Lynch's instructions. [*Col. Entry Bk., Vol. CVI., p. 277.*]

Sept. 3. 215. Acts of Jamaica passed 3rd September 1681:—
Act ascertaining the rates of negroes to be imported. [*Col. Entry Bk., Vol. XLIII., p. 26.*]
Act ascertaining quit rents and the manner of the receipt thereof. [*Col. Entry Bk., Vol. XLIII., p. 28.*]

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- Act requiring all masters of ships to give security in the Secretary's office. [*Col. Entry Bk., Vol. XLIII., p. 31.*]
- Act for preventing damages in plantations, preserving cattle, and regulating hunting. [*Col. Entry Bk., Vol. XLIII., p. 33.*] [This contains one provision that no one in the island shall be capable of "hunting any gang of dogs" who is not a planter and owns not at least five acres of land, under penalty of a fine of 10*l.* and forfeiture of his gang of dogs.]
- Act for registering deeds and patents. [*Col. Entry Bk., Vol. XLIII., p. 38.*]
- Act for the ferry between St. Katherine's and St. Andrew's. [*Col. Entry Bk., Vol. XLIII., p. 40.*]
- Act for ascertaining the value of foreign coins and establishing interest. [*Col. Entry Bk., Vol. XLIII., p. 42.*]
- Act empowering the Churchwardens of St. Catherine's to receive twelve pence per ton for all goods made up that are landed on or shipped from the bridge at Passage Fort for repair of the same. [*Col. Entry Bk., Vol. XLIII., p. 43.*]
- Act for confirmation of pious, charitable, and public gifts and grants. [*Col. Entry Bk., Vol. XLIII., p. 44.*]
- Act declaring it high treason to counterfeit the King's broad seal of the island. [*Col. Entry Bk., Vol. XLIII., p. 45.*]
- Act securing the purchasers of Thomas Bun's land upon Port Royal. [*Col. Entry Bk., Vol. XLIII., p. 45.*]
- Act encouraging the importation of white servants. [*Col. Entry Bk., Vol. XLIII., p. 46.*]
- Act for regulating surveyors. [*Col. Entry Bk., Vol. XLIII., p. 48.*]
- Act for closing Rio Cobre above and below Caymans. [*Col. Entry Bk., Vol. XLIII., p. 49.*]

Sept. 5.
Barbados.

216. Governor Sir Richard Dutton to the King. This being the first oblation of duty and loyalty of this kind that ever was presented by one of your Majesty's plantations gives me this great assurance of laying it with all humility at your feet. And I do it with great joy, since it proceeds from a people that on my arrival thought your Majesty's Government near its dissolution, when nothing but faction, disloyalty, and treasonable libels and discourses was in the mouths of the deluded multitude. But in a little time I made them know that their expectations were as vain as their practices were evil, and that the Crown could never be so weak as that I could fail to uphold its authority. That they might the better believe what I said I immediately pursued the dispensers of libels and false news, and removed all who were factious or aiming at popularity from any military or civil posts, and put good and loyal men in their place. I have also made a strict regulation of the Church, and brought the people, who were very disorderly in their religion, to great uniformity, by which steady resolutions I have, thank God, reduced them to that duty and obedience that is clear in this humble and hearty address. As I pardon men that transgress the laws or traverse the Government, so I am careful to sweeten my severities by careful administration of justice, by

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maintenance of just rights, by repair of the fortifications which greatly needed it, and addition of new works when required, by improving the militia which was very insignificant for defence, and by making your Majesty's Government easy and happy to them. I am likewise careful to let the people know that I am not like my predecessors a precarious Governor, but that my dependence is wholly on the Royal bounty, knowing the evils that have attended your Government through the dependence of Governors on the people. I have acquainted Mr. Secretary Jenkins how impossible it is for me to eat bread in this most expensive place on the slender allowance that you are pleased to afford me. "However your Majesty shall please to dispose of me, I hope I shall so employ the remainder of my days in your service that whensoever I die (for I shall not desire to survive your Majesty's happiness) it may appear, through the whole course of my life, I have been, and shall continue to the end of my days, your Majesty's most," &c., &c. Ri. Dutton. *Holograph.* 2 pp. *Endorsed.* For substance of enclosure see No. 218. [Col. Papers, Vol. XLVII., No. 54.]

Sept. 5.
[Barbados.]

217. Governor Sir Richard Dutton to [William Blathwayt?]. I am afraid that I did not acquaint Mr. Secretary [Jenkins] in my letter to him of the great loyalty and abilities of Mr. Stede and Mr. Witham. They are the only two persons in the Island whom I can trust to stand by me in all difficulties. There are three more of the Council who, though I do not make them my confidants, in all indifferent matters behave themselves very well. Pray therefore let Mr. Secretary know it would be a service to the King and a kindness to me if he would inform those two that I have recommended them to the King's favour. *Holograph.* 1 p. [Col. Papers, Vol. XLVII., No. 55.]

Sept. 5.
Barbados.

218. Governor Sir Richard Dutton to [Sir Leoline Jenkins]. I thank God my endeavours for the King's service have hitherto been more successful than I could have hoped from so deluded and disaffected a people as I met with on my arrival here six months ago. All hands were full of libels against King and Government, and all mouths of treason, which they vented without fear of the law or punishment from the Magistrate, supposing the Government to be near its dissolution. [Repeats the substance of his measures as reported to the King in preceding abstract.] My time for the last fortnight has been wholly taken up with holding grand sessions, there having been none in the Island these four years. I resolved that it should be no longer delayed to the dishonour of the King and the prejudice of the country, though the Assembly continued obstinate in its resolution not to allow me one penny in support of it, knowing well that the justices and the freeholders were obliged to attend at their own charge whenever I should call it. Upon these terms therefore I called it, and, as I think you will find, to the satisfaction of every honest man, for there was the greatest attendance ever seen in the Island, and all performed with great solemnity. The gaol was very great with malefactors of all sorts, so I had

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much ado by early and late sittings in the extremity of heat to give a despatch to the business in eight days. The sessions were held in a little room that I was forced to hire, for there is no sessions house, nor public gaol, nor house of correction. It was like to have destroyed several people, though I, thank God, underwent the trouble as easily as most, even to admiration. You will find by the address of the Grand Jury to the King (see No. 216), and its presentment to myself (*ante*, No. 206), that I have not laboured in vain. I must beg you to present my letter (see *ante*, No. 216) with the address to the King, it being the first ever sent to him from the Plantations, that it may be presented as publicly as possible and inserted in the Gazette. If the King grant me permission to signify his gracious acceptance to the people, it will devote them eternally to him, for they value themselves mightily upon their service, and I must assure you I never saw in any part of England a grand jury and petty jury so substantial for fortunes and ability of judgment. I enclose a list of the gaol (*ante*, No. 209). There are no less than a hundred thousand souls, whites and blacks, in this Island, and there is not a piece of unmanured ground large enough to draw a regiment of foot on without great damage. This will shew you how considerable the people are. I have briefly informed the King of the state of this place, and of the insufficiency of my allowance. I pay ninepence for every pound of beef, veal, or mutton. *Holograph.* 2 pp. *Endorsed.* [Col. Papers, Vol. XLVII., No. 56.]

[Sept. 6.] **219.** Narrative of the proceedings in New Hampshire. The Commission appointing John Cutt president was delivered 27th December 1679. He summoned the Council to deliver to him the oaths of allegiance and supremacy; but under the influence of Richard Waldern and Richard Martyn the Council took him to consider it. Waldern and Joshua Moody, the Minister of Portsmouth, then went to Boston to consult persons in that Government how they should proceed, and returning after some days, went with Martin to the President and earnestly besought him to reject the Commission, Waldern saying that he would be hanged at his own door before he accepted it. Mr. Cutt said that he would obey the royal command and advised them to do the like, but they prevailed with the Council not to accept the Commission, hoping by that means to make him quit it. So the twenty days appointed for the publication and acceptance of the Royal Commission expired. Hereupon the President by the advice of several of the principal and loyal persons of the province gave notice to all the inhabitants by public declaration that he accepted the King's commission, and summoned them to Portsmouth on a fixed day to hear the Commission read and to consult for the carrying on of the Government. The declaration was received with great satisfaction. On this Waldern and Martyn sent to the several Ministers of the province to ask what should be done. They met at Portsmouth in Martyn's house and spent four days in consultation, when they resolved to accept the Commission and assume the Government lest the President

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should put others in their places. This reason was communicated to some of the Magistrates of Boston. Waldern, Martyn, and the rest went to the President and declared their acceptance of the Commission, but added that as the King allowed liberty of conscience to his Protestant subjects and they objected to the form of taking the oath they thought it convenient to dispense therewith. The oaths were therefore read and they held up their hands and declared them well taken. Next day, being the 21st January, they chose three more to be of the Council, two of which were in the Commission when the Massachusetts usurped the Government; and Waldern got himself elected Deputy President, and remained in his old place as Commander of the Militia. The majority of the Council disliking Cutt's appeal to the loyal inhabitants took advantage of his illness and absence to limit the President to a single vote, and have ever since acted without him. The Council then issued summons for the choice of Deputies for a General Assembly, but published also an order forbidding any men to vote but such as they nominated. In towns of two hundred houses, not twenty men were allowed to vote. The people complained, but were denied, and threatened with punishment for disobedience. So the Council in effect chose the Deputies. The Council have declared themselves a legislative power, and a Court of Appeal, and have refused appeals to the King, threatening to punish such as made such appeal, which is contrary to the King's Commission. They have made a law to confirm the laws and titles derived from Massachusetts. They have made a law exempting magistrates and church elders from all rates and taxes, whereby the Council and Deputies are freed from taxation. The people are rated at will and doom, some men worth 100*l.* paying more than others worth 1,000*l.* They have raised great sums without accounting for the expenditure thereof, the only visible expense being eating and drinking. They fined Captain Barefoot ten pounds for accepting a commission from Mr. Randolph to be his deputy, and committed him to prison till it was paid. In consequence of the weight of taxation, an account of money collected and expended was required of the Council on 11th March last, but it was positively refused. The Council would have enforced an oath of secrecy on Mr. Chamberlain, and threatened to turn him out of the Council when he refused. They have refused him all salary and distributed his duties among three of themselves. 3 pp. Unsigned. Endorsed, Read, 6 Sept. 1681. Read again, 10 Sept. [Col. Papers, Vol. XLVII., p. 57.]

Sept. 6.
Council
Chamber.

220. Journal of the Lords of Trade and Plantations. Agreed that Sir Richard Dutton appoint such person as he judges best qualified to be Attorney-General of Barbados. As to erecting a Court of Exchequer the Lords think it unnecessary to create a new Court, since the existing Courts may try such matters, or, if not, may be given power to do so. The laws transmitted by Sir Richard Dutton read, and his proceedings thereon approved. His answer to inquiries also read (*see No. 136*).

Letters from Sir Thomas Lynch read, asking that no patent may pass for any place in Jamaica without their Lordships' knowledge

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and approbation. Agreed that the methods settled for Barbados be observed. [Col. Entry Bk., Vol. CVI., pp. 277-279.]

Sept. 6.

221. Minutes of Council of Barbados. Ordered that all the Marshals of the Court of Common Pleas keep a book for the entry of all executions, to be delivered to each succeeding Marshal and kept by him; also that a former Order of 21st October 1679 against the abuses of Marshals be revived, and that some method be prepared by John Witham to check their evil practices. His Excellency declaring it absolutely necessary that a Court of Exchequer should be erected, the Council consented, and ordered it to be erected and suitable fees established for the Baron.

Sept. 7.

His Excellency being informed that the Assembly unduly and irregularly receives petitions reflecting on the Government and the Council, declared that he would let the Assembly know its mistake at its next meeting, and require all such petitions to be brought to the Council in future. Mr. John Witham complained that Michael Figges had presented to the Assembly a petition falsely and scandalously reflecting on him, and begged His Excellency to order the petition to be brought to the Council, and Figges to be brought up in custody of the Provost Marshal to answer for it; also that letters might be sent to William Goodall, Richard Pocock, and John Becke, to attend the Council and give evidence in the matter on 4th October. Ordered accordingly. The commission of Major-General granted to Christopher Codrington by Sir Jonathan Atkins cancelled, the office being useless. Fees for the Court of Exchequer fixed by the Governor with consent of the Council. (*The list occupies two and a half pages.*) Certificate of Edwyn Stede that the foregoing is a true copy of the Minutes. [Col. Entry Bk., Vol. XI., pp. 435-442.]

Abstract of the proceedings of the Council from 5th July to 7th September 1681. *Two pages, in a different hand.* [Col. Entry Bk., Vol. XI., pp. 421, 422.]

Sept. 7.
Whitehall.

222. Order of the King in Council. On reading the petition of the merchants and planters, inhabitants and traders of Bermuda, with several articles of complaint against Sir John Heydon, Deputy Governor, Ordered by the King in Council that Sir John Heydon appear at the Board on the second Council day after the King's return from Newmarket to answer the charges of the petitioners; both parties to appear and bring counsel if they think fit. [Col. Entry Bk., Vol. XVII., pp. 93, 94.]

[Sept. 7.]

223. Petition of Sir Richard Dutton to the King. It is provided by the Acts of Trade and Navigation that no person shall lade any of the enumerated commodities without giving sufficient bond to unlade the same in England or one of the English plantations, of which they are to produce a certificate. No such certificates have been produced in Barbados since 1666, to your Majesty's prejudice and the encouragement of fraud. Petitioner having spent 2,000*l.* on his outfit as Governor of Barbados, and received nothing, prays for power to put into suit all such bonds entered into in

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Barbados, for which certificates have not been produced, from Michaelmas 1666 to Lady Day 1681, and that your Majesty will grant him the proceeds in consideration of the expenses to which he has been already put.

In the margin.—A Minute dated 7th September 1681 from Sir Leoline Jenkins referring the petition to the Lords of Trade and Plantations to report how far a retrospect into the forfeiture of such bonds may be held, and what part of such forfeitures, if prosecuted, should go to petitioner. *Inscribed,* “ Recd. Oct. 16, 1681. Laid aside.” [Col. Papers, Vol. XLVII., No. 58.]

Sept. 7.

224. The King to Sir Henry Morgan. Revoking his commissions of Lieutenant-Governor and Lieutenant-General of Jamaica. *Signed* L. Jenkins. 1 p. [Col. Entry Bk., Vol. XCIX., p. 88.]

Sept. 7.

225. The King to Sir Francis Watson. Revoking his commission as Major-General of Jamaica. *Signed* L. Jenkins. 1 p. [Col. Entry Bk., Vol. XCIX., p. 89.]

Sept. 7.
Whitehall.

226. Order of the King in Council referring the letter of Louis le Page de Lomesnil to the Lords of Trade and Plantations for their report. *The letter referred to.*—Louis le Paye de Lomesnil to the King. The Sieur de Lomesnil who addresses you has the honour to belong to the Duke de Gadagne, whom you have honoured with your kindness, and who is cousin to the Sieur de Foubert. Having been obliged, by the ingratitudo with which his services have been met since his fifteenth year, to retire from the French service, he came to your kingdom about a month ago, and is prepared to sacrifice to you his experience, vigour, and youth. He has acquired much knowledge on many great voyages which would be useful for the extension of your dominions in America, and for the increase of trade. He has prepared a memorial, and a map for the purpose of explanation, which he begs may be examined by your Council. [Col. Entry Bk., Vol. XCVII., pp. 75-78.]

Sept. 8.
Whitehall.

227. Instructions to Sir Thomas Lynch, Governor of Jamaica. Sixty-one articles. Clauses 14 and 15 instruct him to endeavour to pass an Act of perpetual Revenue, to be raised to the King for the Government. To encourage the people to pass it, he is to assure them that not only the revenue but the quit-rents will be applied to purposes of Government. If he fail to pass the Act perpetual, he is to pass it for as long a period as possible, and for not less than seven years. Until the Revenue Bill be passed he is to assent to no Acts save one for naturalisation, and one for suppression of privateers and pirates, and he is to insinuate this direction to some members of the Assembly that they may be the more ready to comply with the royal wishes. Clause 16. Jamaica ships are not to be freed from impositions paid by ships of other British dominions. Clause 17. The style of enacting laws is to be “ By the Governor, Council, and Assembly.” Clause 18. Acts to be sent home within three months under pain of forfeiture of a

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year's salary. Clause 19. The Assembly may be permitted to examine the public accounts, and is to be so informed. Clause 20. The Assembly may insert a clause in the Revenue Bill forfeiting the Governor's salary if he do not reside in the Island. Clause 22. All laws except for temporary ends to be indefinite. Clause 27. No person to execute more than one office by deputy. Clause 31. Liberty of conscience to all but Papists. Clause 38. No minister to be preferred without a certificate from the Bishop of London. Clause 39-40. Tables of marriages and books of homilies to be placed in every church. Clause 42. The African Company to be protected, and (Clause 44) to endeavour to enforce the Order in Council of 12th November 1680, whereby it is directed to send three thousand marketable negroes annually to Jamaica, to be sold at 18*l.* a head, at "six months' forbearance" on good security for payment. Clause 45. Any default on the Company's part in this respect to be reported. Clause 46. To provide where necessary for the jurisdiction of the Admiralty and limit the bounds of parishes to high-water mark. Clause 48. To report all injuries done by the Spaniards, but suffer no other reparation than that prescribed by the Treaty of Madrid, 1670. Clause 49. To give accounts of the strength of foreign neighbours, Indians, or others, by sea or land. Clause 50. A law providing a property qualification for jurors to be sent home for approval. Clause 51. Appeals from the Courts of Jamaica in cases involving 100*l.* upward to lie to the Governor in Council; further appeals admitted to the King in Council when the sum involved exceeds 500*l.* Clause 52. A law to be passed, if possible, forbidding inhumanity to slaves, and to encourage the conversion of negroes to Christianity so far as consistent with the safety of the Island. Clause 53. The raising of public stocks and the building of workhouses for the poor and indigent to be recommended to the Council. Clause 54. English colonies in distress to be assisted. Clause 55. Landing-places to be surveyed, and fortified, if necessary, at the public charge. Clause 56. Offices held by patent to be investigated and reported on; patentees guilty of misbehaviour to be suspended and their places provisionally filled pending orders from home. The expediency of passing an Act, similar to the Irish Act, for absentees to be considered. Clause 57. Penalties against planters for not planting their land to be forborne, till further orders, at the Governor's discretion. Clause 58. All servants coming or transported to Jamaica to serve for four years; every person carrying or transporting servants to receive thirty acres of land for each servant landed. Servants to be entitled to thirty acres at the end of their term. Clause 59. Salaries: Governor 2,000*l.* a year, Major-General 300*l.* a year, Chief Justice 120*l.* a year, to be paid out of the revenue. Other judges and their officers to be paid by fees. Captain commanding the fort to receive six shillings a day. Clause 60. Permission to assent to a law providing a sum not exceeding 300*l.* a year for the better solicitation of the Island's affairs in England. If the Governor think it inexpedient to agree to such a law, the same amount may be raised by voluntary contributions. All

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complaints against the Governor to be submitted in writing.
Signed L. Jenkins. [Col. Entry Bks., Vol. XXX., pp. 17-39, and Vol. XCIX., pp. 64-82.]

Sept. 10.
 Council
 Chamber.

228. Journal of Lords of Trade and Plantations. Mr. Mason, lately come from New Hampshire, presents affidavits from several persons as to dangerous and seditious words spoken by Richard Waldern, Richard Martin, and John Gillman against the King and Government. He complains also of their general opposition to the King's Commission and nullifying of the King's orders by other means, which is confirmed by Mr. Randolph and certified by a letter from Mr. Chamberlain (*ante*, No. 106). The Lords asked Mr. Randolph whom he thought best fitted to succeed Richard Waldern as President of the Council. He named Mr. Daniel. The Lords will recommend that Mr. Daniel be appointed President *pro tempore*, and that he examine the accusations against the persons named and report to the Committee. The Lords gave orders for regulating several abuses complained of by Mr. Chamberlain; and as he is defrauded of the benefits of his place by other members of Council, they think that he should enjoy it as is the usage in other colonies. They notice, too, that the Council of New Hampshire has not reported its proceedings as directed. Mr. Humphrey attends on his desire to have copies of the papers presented by Mr. Randolph against Mr. Danforth and the Government of the Massachusetts. Being asked whether he has any power to act for the Bostoners, he answers that he is employed as their solicitor, and has no other power.

An Act of Barbados appointing a Committee for Public Accounts read. The Lords disapprove the power given to the Committee, not only to examine but to acquit any person of debts, and think that the Governor should be forbidden to pass any further Act to that effect without further orders. The Governor is also to be ordered to transmit with every Act the reasons for passing the same. The Lords notice Sir R. Dutton's report concerning sessions and the long interval without a gaol delivery. It is thought fit that he hold sessions for gaol delivery once a year without being at any charge for public entertainment. This can be no discredit to the Governor when it is known that he does so by order. [*Col. Entry Bk., Vol. CVI., pp. 279-282.*]

Sept. 14.
 Whitehall.

229. Order of the Privy Council that William Dyre, who stands committed to the custody of a messenger by warrant of Secretary Jenkins, be discharged, he having given security to appear from time to time before this Board to answer such things as shall be objected against him. *Copy. Signed, Phil. Lloyd. 4 p. [Col. Papers, Vol. XLVII., No. 59.]*

Sept. 14.
 Barbados.

230. Return of Imports from 14th June to 14th September 1681, and shipping from 17th June to 17th September 1681, with a supplementary return of "sundry invoices." [*Col. Entry Bk., Vol. X., Nos. 11, 12, 13.*]

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Sept. 17.
Council
Chamber.

231. Lords of Trade and Plantations to Governor Sir Richard Dutton. We have considered your letters of 30th May and 14th June (*ante*, Nos. 123, 141), and we approve your zeal in the reformation of the Church, and your care in regulating the attendants of the law. We are directed by the King to instruct you to appoint Mr. Richard Seawell to be his Attorney-General in Barbados, with the proviso that the office be discharged without any charge to the Royal Exchequer. In case of Mr. Seawell's death or absence you may appoint such person as you think fit to take his place. As to the Exchequer we recognise the necessity for due proceedings at law to recover the King's revenue, but we think it very inconvenient to the Government that too many Courts should be established where the service may be performed in an easier and less chargeable manner. As at Jamaica so in Barbados, the Courts already settled may take cognisance of all pleas belonging to the jurisdiction of the Court of Exchequer in England. The King directs you to proceed to establish such rules as may bring the business of the Exchequer to be determined by the several existing Courts or by any one of them. Where it appears that further powers than those already committed to you are required, you will signify the same to us that we may take the King's pleasure thereon. You will send copies of all jurisdictions, Courts and offices, and other particulars for our information. We have read the Acts passed by you and the Bills offered by the Assembly. The Act for raising a levy of lands and money for fortifications we think very useful, and fit to be continued from time to time. The Act to confirm the lease of Fontabelle House [Government House] appears to us obscure without a copy of the lease, which should have been transmitted to us. The Act to continue expiring Acts is not intelligible without copies of those Acts. The Act for appointing a Committee of Public Accounts seems to us necessary to a strict examination of all public accounts, but the power of acquitting and discharging them we think only proper for the King, and we disapprove of that part of the Act. You will be careful not to pass any Act in the future disposing of this power without previous direction from the King. The Bill of *Habeas Corpus* was timely prevented, nor had we any reason to apprehend that you would even have permitted it to pass. We approve also your rejection of the Bill, declaring when the laws of England shall take effect in Barbados; no Bill in Barbados should either limit or restrain the execution of English laws, nor extend them further than they are intended. We perceive the great omission of the Government in not earlier appointing of a gaol delivery, and are glad to observe your intention of speedily holding a General Sessions. We think no reasons of expense can be of excuse when there is occasion for it, nor do we think it a diminution of your character as Governor that you forbear to make any extraordinary entertainment, or to be at any charge for the reception of people who attend that service. We recommend to you the observation of your instructions as to Patent Offices—that you admit only such persons to execute them as are capable in

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ability and behaviour. *Signed*, Ailesbury, Bath, Clarendon, Craven, J. Ernle, L. Jenkins, H. London, Worcester. $2\frac{1}{2}$ pp. [Col. Entry Bk., Vol. VII., pp. 85-89.]

Sept. 17.
Council
Chamber.

232. Journal of Lords of Trade and Plantations. A letter from Colonel Norwood read concerning quit-rents of Virginia. He refers to a letter of 25th October last, setting forth that, by patent granting the quit-rents of Virginia to Lords Arlington and Culpeper in 1672, he stands by them acquitted of all arrears. The Lords, however, notice that the arrears were granted them by this patent from 8th May 1669, and order Colonel Norwood to give his account accordingly.

Several letters from the Leeward Islands read. As to the three hundred malefactors to be transported to St. Christophers without fees to be paid at the gaol, ordered that inquiry be made for some merchant who will give good security to transport them.

Agreed to move the King to declare in Council that he will not in any way divert the impost raised on liquors in Barbados from the purposes named in the Act. [Col. Entry Bk., Vol. CVI., pp. 282-284.]

[Sept. 19.]

233. "Papers received on 19th September 1681 from Sir William Stapleton by Colonel Cotter":—

- A. Acts of Antigua. Titles and dates of fifty-seven given, ranging from 10th April 1668 to 9th July 1680.
- B. Acts of Montserrat. Titles and dates of twenty-three, 1668 to 1680.
- C. Acts of Nevis. Titles and dates of twelve, 1680-1681.
- D. Acts of St. Christophers. Titles and dates of twentytwo. 1672-1681.
- E. Orders of Council of Antigua, Nevis, and St. Christophers (*no further particulars*).
- F. Accounts of imports at Nevis, 16th July 1680 to 16th July 1681 (*see ante*, No. 177).
- G. Answer from the Leeward Islands to the King's offer to commute the four-and-a-half per cent. duty (*see ante*, No. 78).

[Col. Entry Bk., Vol. XLVII., pp. 1-15.]

Sept. 21.
Barbados.

234. The Secretary of Barbados to Lords of Trade and Plantations. Transmitting quarterly returns of the transactions of his office. *Signed*, Edwyn Stede. *Inscribed and endorsed*, "Reed. 21 Nov. 1681." $\frac{1}{2}$ p. [Col. Papers, Vol. XLVII., No. 60, and Col. Entry Bk., Vol. VII., p. 107.]

Sept. 29.
Council
Chamber.

235. Lords of Trade and Plantations to the King. We have examined the case in difference between Richard Hall and Thomas Darvall (*see ante*, Nos. 89, 90), and we are of opinion that the judgment given against Darvall at New York shall be confirmed. 1 p. [Col. Entry Bk., Vol. LXVIII., p. 52.]

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Sept. 29.
Oct. 9.
Newmarket.

236. The French Ambassador to the King. Begs him to send his orders to Jamaica for the restitution of the ship La Royale of Rochelle, and for the punishment of the English captain who took her. *Signed, Barrillon. Copy.*

Copied below.—Statement of Captain Herbouin of La Royale, dated 15th September 1681. His ship, of 60 tons and eight men, left St. Christophers on 6th May last laden with salt and water and bound for Cayment for turtle fishing. Two leagues from this place he was met by an English ship of 45 to 50 tons burden, ten guns and fifty men, which, after firing several shots, compelled him to come on board, when he was informed that there was war between France and England, and that he was lawful prize. Unable to resist Herbouin asked to be taken to Jamaica, which was refused. They then put him in the long boat (*chaloupe*) with five men which he kept with him, gave him a keg of water and sixty to eighty pounds of salted turtle, and sent him to the Isle of Conne, from which, after living three weeks on fruits, Herbouin and his men regained Jamaica, and from thence reached France on the 15th September. *French. 1½ pp. Noted in the margin, "Touching the ship Royal of Rochester" (sic). [Col. Papers, Vol. XLVII., No. 61.]*

Sept.
Whitehall.

237. Lords Proprietors of Carolina to [Governors of Ashley River and the north part of the province]. Mr. Seth Southell has bought Lord Clarendon's share of Carolina, and is thereby become one of the true and absolute proprietors. Since it is provided by other constitutions that the eldest proprietor that shall be in Carolina shall be Governor, you will obey Mr. Southell, if there be no older proprietor there than he. $\frac{1}{2}$ p. *Signed, Craven, Shaftesbury, P. Colleton. The day of the month is left blank. [Col. Entry Bk., Vol. XX., p. 175.]*

Sept.

238. List of documents sent from Barbados, from 5th July to September 1681, received 21st November 1681:—

Acts of the Legislature, viz.,—

Four Acts for continuing divers Acts, 5th, 7th, 19th, 20th July.

Act for continuing the arrears of public levies as money, 19th July.

Act to raise a levy, 10th August 1681.

Bill to revive an Act for qualification of voters, 5th July.

Bill for securing possession of negroes and slaves, 7th July 1611.

Orders of Governor, Council, and Assembly.

Orders of Council, 5th July to 7th September 1681. [Col. Entry Bk., Vol. VII., p. 105.]

Journal of Assembly, 5th July to 10th August. Account of Imports, 14th June to 14th September. Received 8th December 1681. [Col. Entry Bk., Vol. VII., p. 108.]

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Oct. 1.
Barbados.

239. The Governor and Council of Barbados to Lords of Trade and Plantations. Transmitting quarterly returns of Acts, Orders in Council, and Imports. *Signed*, Ri. Dutton, Richard Howell, Sam. Newton, John Peers, Edwyn Stede, John Witham, Henry Walrond. [Col. Papers, Vol. XLVII., No. 62, and Col. Entry Bk., Vol. VII., p. 108.]

Oct. 1.
Barbados.

240. The Clerk of the Barbados Assembly to Lords of Trade and Plantations. Transmitting transactions of the Assembly. *Signed*, John Higinbotham. [Col. Papers, Vol. XLVII., No. 63, and Col. Entry Bk., Vol. VII., p. 109.]

Oct. 1.
Newmarket.

241. The King to Lord Culpeper. By our letters of 30th June 1680 we informed you that we had appointed William Blathwayt, Surveyor and Auditor-General of our revenues in America, as by our letters patent does appear, and instructed you and all under you to assist him and his officers in the execution of this duty. We are informed, however, that delays have been used in the prosecution of this service in Virginia to the detriment of our revenue and the encouragement of the abuses which were formerly practised in the management thereof in that colony. We therefore repeat our former instructions and instruct you particularly to cause true and regular accounts of all public moneys raised and spent in our service to be sent to the Commissioners of the Treasury. And you will cause this order to be registered in the books of the Council. 2 pp. A copy of the letter of 30th June 1680 follows. 3 pp. [Col. Entry Bk., Vol. XCIX., pp. 83-87.]

Oct. 1.
Portsmouth,
New Hampshire.

242. The President and Council of New Hampshire to Lords of Trade and Plantations. By the ship Black Cock we sent you an account of our laws and proceedings, with a duplicate thereof by way of Boston. We now send, again by Boston, a further account of what has happened since. We reported to you the death of Mr. Cutt, our late President; we have now to report the death of another Councillor, Mr. Dalton, in August. As enjoined by the King's commission, we have appointed two new Councillors, Mr. Richard Waldern, son of our present President, and Mr. Anthony Nutter. We have also submitted the names of two more persons as fellow-candidates with them, viz., Mr. Nathan Wire and Mr. Peter Coffin, joined with the first, and Mr. Reuben Hull and Mr. William More, to be added to the latter, that the King out of these six may nominate two. We apologise for sending matters which seem low and inconsiderable, in obedience to your strict orders to send transcripts of all proceedings, and we beg for your further instructions that we may in future send such matters only as manifest our duty without impertinence. *Signed*, Richard Waldern, President, Elias Stileman, Deputy President, Richard Martyn, Wm. Vaughan, Tho. Daniel, Job Clements, Rich. Chamberlain, Secretary. *Endorsed with a précis*. Recd. 30 Jan. 1681[2]. 1 p. [Col. Papers, Vol. XLVII., No. 64, and Col. Entry Bk., Vol. LXVII., pp. 29, 30.] Annexed.

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242. I. Acts, Orders, and Proceedings of the President and Council of New Hampshire since the transmission in June last. Proceedings of a special Court of Pleas held at Portsmouth, 6th July 1681, by the President, Deputy President, Mr. Martyn, Captain Vaughan, Mr. Clement. Six cases tried, among them that of William Hoskins and Sara Herrick for adultery. Though the act was not proved, yet the circumstances appearing very suspicious, the Court adjudges Hoskins to thirty stripes on the bare back or ten pounds fine, and Sara Herrick to twenty stripes or five pounds fine. Court dissolved, 8th July.

At a meeting of Council held at Great Island, 11th July, the case of Marcellus Cock, master of the Duke of Brandenburgh's ship Salamander, brought forward. By his long stay in the Piscataqua the Council has reason to think that he means not well, and on examination finds that he designs to sell the ship and cozen the duke and seamen. Ordered, that he give bond for 2,000*l.* to sail to Boston, and stay within range of the Castle there, and meanwhile send his sails ashore. Engagement for the Lieutenant to take the ship to Boston.

6th September 1681. Court of Appeals adjourned in consequence of military affairs till the morrow, 7th September. Several letters of administration granted, and inventories of estates of deceased persons filed. John Baker and Sarah his wife were brought up for fornication committed before their marriage, but on confession and expression of repentance, fined each five pounds. Baker being in great want of money is allowed six weeks wherein to make payment. Several persons fined for selling drink without a license. Henry Crown fined twenty shillings for allowing unlawful games, such as billiards, and tables in his house. Cases of disputed wills, of custody of an idiot, of guardianship, settled. Four orders for improvement of roads and ferries. A case of drunkenness and another of brawling, settled. Order appointing Richard Waldern and Anthony Nutter to be of the Council, and for the town of Dover, for which they were deputies, to elect two new deputies to the Assembly in their stead. *Signed* as the covering letter. 7 pp. *Endorsed.* Recd. 30 Jan. 1681. [Col. Papers, Vol. XLVII., No. 64 i.]

Oct. 1.

243. Abstract of particulars required from the Governor by his instructions, by circular letters and by various letters from 20th November 1679 to 1st October 1681. *Of the documents here enumerated, some appear under their dates in the previous volume of this Calendar, while others appear here for the first time. Among these latter are letters of 19th May 1680, asking for an account of the revenue of Virginia from all sources, and an account of all moneys to be transmitted to England. 30th June 1680,—*

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(1) Instructing the Governor to give all help to the King's revenue officers; (2) To transmit copies of the accounts half-yearly; (3) To transmit all accounts to the Surveyor and Auditor-General. *5th July*, Repeating request for half-yearly accounts. *4th August*, Asking for a return of quit-rents and of acreage under cultivation. *1st October 1681*, Remarking on the delay in furnishing the returns to the Surveyor and Auditor-General. *11 pp.* [Col. Papers, Vol. XLVII., No. 65.]

Oct. 1.
James City.

244. Minutes of Council of Virginia. Sir Henry Chicheley, Lieutenant-Governor, and seven members present. Colonel Joseph Bridger took the advice of the Council as to the liability of certain European goods, lately brought in a ship from Barbados, to forfeiture. Order to repair the guard-houses and furnish the soldiers with provisions out of the revenue till further orders are received from England. Order that Secretary Spencer arrest and deliver to the authorities an Indian claimed as guilty of murder by the authorities in Maryland, unless he can clear the Indian of his own knowledge. Order to Mr. George Brent and William Fitzhugh to be contractors to furnish the Potomac garrison with provisions. Order for the prorogation of Parliament from the 15th February to 27th September 1682. [Col. Entry Bk., Vol. LXXXIV., pp. 95-97.]

Oct. 3.
St. Jago
de la Vega.

245. Rowland Powell to Lords of Trade and Plantations. In accordance with your circular letter (*previous volume*, No. 1262), I have delivered nine Acts, which have received the Royal assent, to Sir Henry Morgan. Fifteen more cannot be sent, owing to the fleet being ready to sail at their passing. The Assembly meet to pass the Revenue Bill to-morrow, whereof, if the report of a new Governor do not impede, we have great hopes. I propose to send the whole body of laws when passed, but this, together with abundant other incidents of my office, is an occasion of great expense, that is not considered by the country, which has already made the fees below the labour of this expensive Colony. I am also copying the Minutes of Assembly and Council for you. *Holograph.* *1½ pp.* *Inscribed*, "Recd. 29 Dec. '81 per Capt. Johnson. Read 10 Feb. 1681-2." [Col. Papers, Vol. XLVII., No. 66, and Col. Entry Bk., Vol. XXX., p. 53.]

Oct. 4.
St. Jago
de la Vega.

246. Sir Henry Morgan to Sir Leoline Jenkins. I acquainted you in my former letters with my endeavours to persuade the Assembly to comply frankly and generously with the King's desires as to the Revenue Bill; but their fears, jealousies, and suspicions are such that, notwithstanding all my persuasions, all the friends I could make in the House, and the willingness that they profess to please His Majesty in all things, they drew up and passed a Bill limiting the revenue to two years. As soon as I heard thereof, I summoned the Speaker and the whole House to the Council Board, where I seriously remonstrated to them the King's goodness and affection to Jamaica, the just reason that he would have to be displeased with their proceedings, the fatal

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consequences thereof, and the groundlessness of their fears. Having answered the objections on which they built most, and showed them the absoluteness of the King's resolution to have the Act of Revenue passed for at least seven years, and finding them somewhat startled and beginning to see their error, I remanded them to their House, where they immediately threw out their two years Bill. Thereupon I sent for them back to the Council table, and that there might be a new Bill, which I doubt not be to the King's satisfaction, I prorogued them to the 4th October. The reasons that they gave me for limiting their Bill to two years were that, the Colony not being fully settled, there would be necessity to alter several of the laws before the expiration of seven years, and that the revenue being established, Governors would not mind the calling of Assemblies. Moreover, they dread the change of Government, should it fall into the hand of some person uninterested in the place, and who would mind not the interest of Jamaica, but his own profit and advantage. Such a man having good friends at Court, whereof they are destitute, will be able to make good his party against them and all their interest, securely convert to his own use the moneys which the King intends for the support of the Government in the Island, and leave the whole burthen of building and repairing fortifications and other charges upon the country. These and such like motives they alleged in justification of their proceedings. Since writing the above lines there is again news of alteration of Government here. What effect it may produce upon the Assembly when it next sits I cannot tell, but I am sure that, if things had continued without change during the Session, it would have been shorter, and all transactions to His Majesty's content; and I dare presume that long ere now the Act of the Revenue would have been passed and that of the Militia also, excepting the last clause. I say it not out of vanity, but as a truth that is perceived of all that have insight into business here. The great expense that a Governor is at during the holding of an Assembly is hardly imaginable. Since this began I have been at no less than 1,000*l.* charge, and this necessary for the King's service. Governors at such times are forced to keep open house, which must be judged to be no small charge where things are at no easy rate. I have given the Royal assent to fourteen Bills more, but the shortness of the time would not permit me to send them. I send nine of the former Bills, and will send the remaining fifteen by first opportunity. *Signed.* *Endorsed.* Recd. 28 Dec. [Col. Papers, Vol. XLVII., No. 67.]

Oct. 4. **247.** Duplicate of foregoing, unsigned, and misdated 2nd October. *Endorsed.* Recd. 28 March 1682. [Col. Papers, Vol. XLVII., No. 68.]

Oct. 4.
St. Jago
de la Vega. **248.** Sir Henry Morgan to Lords of Trade and Plantations. In substance, and to great extent in language, identical with the letter to Sir Leoline Jenkins in the preceding abstract. 2 pp *Signed.* *Inscribed,* "Recd. 1 Feb. Read 10 Feb. 1681-82."

1681.

[*Col. Papers, Vol. XLVII., No. 69, and Col. Entry Bk., Vol. XXX., pp. 54-56.*]

- Oct. 4. **249.** Minutes of Council of Barbados. His Excellency read a report of the Lords of Trade and Plantations to the Council, and made the following proposals to the Assembly (*see Journal of Assembly of this date*).
- Oct. 5. The Assembly brought five orders for payment of gunners and matrosses and of the Clerk and Marshal of the Assembly, also an address about some bills that lie before the Council, an address about the fines imposed at the General Sessions, and an answer to the Governor's proposals. Copies of the addresses and answer follow. *See Journal of Assembly of this date.* [Col. Entry Bk., Vol. XI., pp. 449-456.]
- Oct. 4. **250.** Journal of Assembly of Barbados. Edward Littleton elected Speaker. Question put whether a duty be laid on imported wines and liquors, and carried in the negative. Ordered by the Governor, Council, and Assembly that John Hallett pay to John Higinbotham 50*l.* in lieu of 10,000 lbs. of sugar voted to him for six months' salary on 20th October last; and 60*l.* for his salary from 29th March to 20th September last, also 10*l.* to John Forbes, Marshal of the House for salary for same period.
- Oct. 5. Proposals for five Acts received from the Governor. (1.) To restrain incestuous marriages. (2.) To ascertain the gauge of sugar casks. (3.) To oblige all soldiers to appear in coats of the livery-colour when that shall be appointed to each regiment by the governor. (4.) For the building of a gaol and house of correction. (5.) To restrain masters from ill-using Christian servants. The Assembly in answer say: (1.) That they conceive that the laws of England are sufficient restraint. (2.) That they will take it into consideration. (3.) The Assembly approves. (4.) Provision has been made for a gaol by Act; the House will be ready to undertake the House of Correction. (5.) That masters shall be protected against malicious complaints as well as servants against severity. Address to Sir Richard Dutton carried (*see next abstract*). On the petition of Edward Rownton, ordered that John Hallett pay him 10*l.* already ordered, but not paid to him, 18th February 1679-80. On the petitions of the gunners and matrosses, ordered that the sums apportioned to them on 18th May (*see ante, No. 111*) be paid. Adjourned to 15th November. [Col. Entry Bk., Vol. XIII., pp. 450-454.]
- Oct. 5. **251.** Address of the Assembly of Barbados to Sir Richard Dutton. Since your Excellency's arrival we have addressed you on several subjects, which are here underwritten, and sent up to you sundry Bills for the welfare of ourselves and the rest of the King's loyal subjects; and we implore your Excellency to let us know your purposes and intentions with reference thereto. One of our addresses requested that when you and the Council sit as a Court of King's Bench or Chancery you would let the debates be public as in all other of the King's Courts and that the members of the

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Council, being judges in the Court, may be sworn. The Bills we have sent up to you and which we know not whether you will pass are:—1. An Act appointing the writ of *Habeas Corpus*. 2. An Act explaining a branch of the Act establishing the Courts of Common Pleas for granting of appeals upon mortgages and penal bonds. 3. An Act declaring when the laws of England shall take effect in this island. 4. An Act for securing the possession of negroes and slaves. 5. An Act appointing who shall be deemed freeholders in this island. *Signed*, John Higinbotham. *Copy. Certified by Edwyn Stede*, 7th October 1681. *Endorsed*. [Col. Papers, Vol. XLVII., No. 70.]

Oct. 8.
Whitehall.

252. Lords of Trade and Plantations to Lord Baltimore. The Bishop of London informs us that he has chosen the bearer hereof, Mr. Ambrose Sanderson, B.A., as a person fitly qualified to reside in Maryland, and instruct and take care of the King's Protestant subjects in that Colony. We thought fit for his better encouragement to recommend him to you, and we beg you to give him your countenance and protection in all matters wherein he may apply to you. *Signed*, W. Cant. Anglesey, Bath, Craven, Hyde, L. Jenkins. *Copy. 1 p. Endorsed*. [Col. Papers, Vol. XLVII., No. 71, and Col. Entry Bk., Vol. LII., p. 55.]

Oct. 8.
Derby House.

253. J. Brisbane to Sir Leoline Jenkins. I enclose copy of a letter from Sir Henry Morgan to the Navy Board which came to my hand this evening, to be put to such use as you may judge best in dealing with the French Ambassador's letter about the capture of a French ship near Jamaica by a privateer flying English colours. I have not yet found time to lay this letter before the Board of Admiralty. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. XLVII., No. 72.]

Oct. 11.

254. William Blathwayt to Sir Jonathan Atkins. The Lords of Trade and Plantations took note to-day that you had not attended them since your return from Barbados. Hearing that you have kept your chamber by reason of a lameness, they require from you an account in writing of the management of your government and of the state in which you left it. They also require of you copy of a proposition which Sir William Stapleton states that he laid before you for destroying the Indians in St. Vincent and Dominica. They expect these things from you at ten next Tuesday morning at which hour they appoint you to attend them. [Col. Entry Bk., Vol. VII., p. 102.]

Oct. 12.
Whitehall.

255. Order of the King in Council. Upon reading the petition of Elizabeth Binckes, Ordered that copies thereof be delivered to Mr. Ball and Sir Richard Dutton's agent, and the petition itself referred to the Lords of Trade and Plantations for their report. *Signed*, John Nicholas. *Annexed*,

255. i. The petition referred to. Charles Binckes of Barbados, husband of the petitioner, some time since bought of Mr. Henry Ball and others the legal deputation [deputyship] of the office of Examiner in Chancery of the Island

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of Barbados, to whom the King granted the office under the Great Seal, with power to appoint their deputy or deputies. The said Charles Binckes desired of the present Governor, Sir Richard Dutton, to be admitted to his office, tendering the King's letters for his admission and as good security as the Island affords for the due execution of his duties. The Governor, however, excludes him from possession of what, as it is conceived, is his legal right, and, moreover, puts the patentee in fear of losing the whole benefit of the office unless the person he names to them (who is a servant of his own) be put in as Deputy. The Governor alleges, moreover, that Charles Binckes is not fit to serve the King in any capacity in Barbados, attributing to him the authorship of a certain report, of which the Assembly and others in the Island have since acquitted him to the Governor. Now, Charles Binckes is known to be a loyal subject, has been employed in the King's service several years, and is of the commission of the peace of Barbados; but receiving so harsh a character from the Governor he is in great danger of being ruined in his correspondence and trade, as well as by deprivation of his place, and of suffering damage to the amount of 500*l.*, by money paid and voyages taken in pursuit of the office. Petitioner therefore prays for a day for the examination of the case, and for relief and restoration of Binckes if his case be proved (*see ante*, No. 165). *Copy.* 2 pp. *The two papers endorsed*, Recd. 13 Oct. 1681. Read, 31 Oct. 1681. [Col. Papers, Vol. XLVII., Nos. 73, 73. I., and (without enclosure) Col. Entry Bk., Vol. VII., p. 85.]

Oct. 12.
Whitehall.

256. Lords of Trade and Plantations to Lord Baltimore. We are informed that very few of the King's Protestant subjects are admitted to the Council of Maryland, and that there is partiality and favour shown on all occasions to Papists to the discouragement of Protestants. We hope that this may be a misrepresentation, but we cannot but take notice thereof; and we require you to cause the same to be redressed if true, as also that in the distributing of the arms and ammunition (which, at the request of your Agent, Nicholas Lowe, we have permitted to be transported for the defence of Maryland) you will express your trust in the Protestants by putting arms in their hands. *Copy.* 1 p. *Signed Anglesey, Bath, Conway, Craven, Halifax, Hyde, H. London, L. Jenkins.* [Col. Papers, Vol. XLVII, No. 74, and Col. Entry Bk., Vol. LII., p. 56.]

Oct. 14.
Whitehall.

257. Order of the King in Council. Sir Leoline Jenkins to prepare a warrant declaring all laws assented to by Sir Henry Morgan to be absolutely null and void unless the Bill for Public Revenue be passed into an Act before the arrival of Sir Thomas Lynch. The said warrant to be delivered to Sir Thomas Lynch with an instruction to publish the same in case he shall find

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it for His Majesty's service, and not otherwise. *Signed, John Nicolas. 1 p. Endorsed with a précis. Seal gone. [Col. Papers, Vol. XLVII., No. 75.]*

Oct. 16.
Council
Chamber.

258. Journal of Lords of Trade and Plantations. Letter from Sir W. Stapleton, of 26th July, respecting the treaty of neutrality in the West Indies. Agreed that the King be moved to ask the French ambassador whether he be now ready to conclude the treaty. The Lords also represent the condition of the two foot-companies, as well as of the Governor, who have three years' arrears due to them. Agreed that Sir W. Stapleton's suggestion that all the Acts in the several Leeward Islands be assimilated be adopted. Their Lordships note also that all laws made since the beginning of Sir Charles Wheeler's Government, excepting those made in the last two years, are expired. In the matter of Sir W. Stapleton's proposal to devote the fifteen hundred pounds to the building of one fort in the Leeward Islands, the Lords call for his former letters. The account of the massacre in Barbuda (*see No. 189*) read. The Lords seeing it mentioned that a proposition had been made for attack on the Indians to Sir Jonathan Atkins, order him, since he is disabled by lameness from attending, to give an account of Barbados in writing, and also of Sir W. Stapleton's proposition above named. As to fines and forfeitures the Lords agree with the Commissioners of the Treasury that they should be applied to the support of the Government. Several Acts brought over by Colonel Cotter read. On the first, the Lords think that the title of Honourable shall not be continued to the Deputy-Governors in these Acts. On the Excise Act the Lords, observing that it is passed for a year only, think that these temporary Acts should be discontinued, and a perpetual revenue Act passed for the permanent expenses of Government, the misapplication of the money to be prevented by appropriating it to specific purposes. The Governor to be instructed to bring this before the Assembly, pointing out for encouragement that though the Acts for the four-and-a-half per cent. are not appropriated to any special uses, yet the King applies a greater revenue than arises from the duty to purposes of defence. Various Acts of Montserrat and Nevis approved with trifling amendments.

Sir Richard Dutton's petition read (*see ante, No. 223*) on which the Lords do not think fit to make any report. [*Col. Entry Bk., Vol. CVI., pp. 284-90.*]

Oct. 18.
Council
Chamber.

259. Journal of Lords of Trade and Plantations. Sir Jonathan Atkins attended and assured their Lordships that he would have waited upon them sooner but for a hurt in his leg at sea. Being asked for an account of his Government, he replies that he has by his letters continuously informed the Committee of all transactions but the Lords, not being satisfied with this answer, demand from him a particular account of the state of the Islands on matters civil, military, and ecclesiastical, and that he endeavour to furnish it within a month. Being asked concerning Sir William

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Stapleton's proposition to destroy the Indians in St. Vincent and Dominica, he remembers nothing of the matter, except a letter that Stapleton wrote him about the time of Colonel Warner's expedition, which imparted no particular method except a junction of the inhabitants of Barbados and the Leeward Islands for the purpose. Barbados will never agree to do this, as they are in amity with these Indians and need their friendship when they go to cut wood in these Islands. Besides, it is impossible wholly to destroy these Indians, for they are constantly recruited from the Main. Ordered hereon, that Sir William Stapleton be called upon to propose the best means for suppressing these Indians, and that the matter be represented to the King, with a suggestion that it be carried out jointly by Barbados and the Leeward Islands.

Lord Culpeper presented a paper of proposals. The first, for encouraging the building of towns, was agreed to. On the second, for payment of the soldiers' quarters, Lord Culpeper was asked to give his reasons at the next meeting why the two companies in Virginia should not be disbanded. The third, for the opening of a trade with Muscovy, was reserved for consideration, as were also the fourth and fifth for uniting the King's subjects against the Indians.

Ordered, that a draft letter be prepared to the Government of Massachusetts (*see No. 264 i.*). Lord Culpeper reminds the Lords of a dispute in New England between several persons and countries about the Narragansett country, and presents the names of fit persons to be Commissioners to inquire into the whole matter. Ordered, that a letter be prepared for the King, constituting these Commissioners, with directions to inquire into the titles of the King and of all claimants to the jurisdiction of the province. [*Col. Entry Bk., Vol. CVI., pp. 290-294.*]

Oct. 18.

260. Lord Culpeper's projects for the relief and improvement of Virginia. (1.) To encourage the building of towns by all possible means, that being the only visible way to make the Colony flourish, which will be a remedy to all persons and grievances. Markets will be thus made; at present no outlet for provisions or anything else that is not worth carrying to Europe. The Act [to be] confirmed in every particular except the clause of two years, and about the taking in goods and selling goods at the places appointed for towns till they are in a condition to receive ships and load them by storehouses and other conveniences. The Governor and Council to give notice by proclamation one year beforehand in every respective place. The King to grant the inhabitants of such towns immunity from the penury per pound for a time. (2.) The constant and punctual payment of the soldiers' quarters and arrears will at this low ebb encourage the poor, irrespective of other advantages. A small sloop of from sixty to seventy tons, with ten or twelve guns, will be the best additional security, considering expense. (3.) The opening of free trade for Muscovy ["Muscoe"] ought to be effected if possible. (4.) The uniting of all the King's subjects in America to help each

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other in case of foreign enemies, rebellions, and Indians, in such proportions as the King shall direct. In particular no war or peace with Indians should be made without the knowledge and assent of the Governor and Council of Virginia, the only Colony that the King can call his own. (5.) Exact and speedy inquiry to be made into the disturbances in Maryland; meanwhile all offices, civil and military, to be placed in Protestant hands. *Holograph. Unsigned. 1½ pp. Endorsement half lost. [Col. Papers, Vol. XLVII., No. 76, and Col. Entry Bk., Vol. LXXX., pp. 405-407.]*

Oct. 19.
Whitehall.

261. Order of the King in Council. That the complaint of the merchants and traders of Bermuda against Sir John Heydon, pretended Governor there under the Company, be held on the 26th October, when the two parties and all others concerned shall attend. [Col. Entry Bk., Vol. XVII., p. 94.]

Oct. 19.

262. Declaration of the King. That all laws passed by Sir Henry Morgan be null and void unless the Revenue Bill be passed before the arrival of Sir Thomas Lynch. [Col. Entry Bk., Vol. XCIX., p. 90.]

Oct. 19.
Whitehall.

263. Additional Instruction to Sir Thomas Lynch. You will receive a declaration concerning laws passed, or to be passed, by Sir Henry Morgan, which declaration you will publish, if necessary, on your arrival (*see preceding abstract*). [Col. Entry Bks., Vol. XXX., p. 40, and Vol. XCIX., p. 91.]

Oct. 21.
Whitehall.

264. Order of the King in Council. Approving the draft of annexed letter from the King to the Governor and Company of Massachusetts. *Signed, John Nicholas.* ½ p. *Annexed,*

264. i. The King to the Governor and Company of Massachusetts. According to an Act of the 25th year of our reign we appointed Edward Randolph, Collector of our Customs in Massachusetts, to check the breaches of the Acts of Trade and Navigation frequently practised and connived at therein. We are well satisfied that Edward Randolph has discharged his duty with all diligence and fidelity, yet, because unlawful trading is countenanced by you, all his care has been of little effect. You have suffered attachments to be granted against him and his officers for doing their duty, and when they have prosecuted offenders in our name they have been obliged, contrary to law, to deposit several sums of money before they could obtain a trial, and after such trials have been compelled to pay costs, with many other hardships. We are further informed that you have refused to allow appeals to us in matters concerning our revenue, and that you have seized the moiety of forfeitures which is ours by law. There are many things relating to your government now before us, but we forbear to mention them, since we learn by your letter of 3rd June (*see No. 126*) that you intend

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to send agents to satisfy us as to the things which have been done amiss in your colony. We hope that before this they may be on their way hither, for the time which we had named as the limit of their coming is elapsed. We are not willing to think that their failure to come sooner is due to designed delay, but we cannot admit the excuse in your letter, for we cannot doubt but there are many of our subjects, fitly qualified for the same, who would be willing to attend us here were they fully instructed and authorised by you. Therefore, if this be not already done, we hope that fit persons will be sent without delay. But for the present what we require of you is this: That you give all countenance and encouragement to Edward Randolph and his officers; for we are so well satisfied with his fulfilment of his duties that we have granted him further authority to enable him to perform his trust according to law. We expect you also to restore the money levied from our said officers, and to give us an account of the moiety of the forfeitures that you have received, to see that the Acts of Trade and Navigation are enforced, and to take care that our officers are able to prosecute offenders under those Acts without charge, as in England. We require you also to admit appeals to us in all causes affecting our revenue. And as we have never failed to give you due and equal protection with our other subjects, so we expect of you like obedience with them, in default whereof we shall take such resolutions as are necessary to uphold our authority. *Draft. 2 pp. [Col. Papers, Vol. XLVII., Nos. 77, 77 1., and Col. Entry Bk., Vol. LXI., pp. 131-136.]*

Oct. 21. **265.** Duplicate of foregoing Order in Council. [*Col. Papers, Vol. XLVII., No. 78.*]

Oct. 21 (?). **266.** Report of Lords of Trade and Plantations to the King. Submitting the following draft of a letter from the King to Massachusetts. It is with great trouble of mind that we reflect on the methods which you have employed from the very beginning of your plantation to the prejudice of our rights. Complaints were made against you as soon as you were settled, and even in 1635 a *quo warranto* was issued against you. On our restoration we received addresses of loyalty from you and assured you of our favour, but presently found that two of the murderers of our father were harboured by you. Then came complaints from our subjects oppressed by you and refused the right of appeal to us, the complaints of merchants and inhabitants of Maine, of Robert Mason and of Ferdinando Gorges, on whose rights you had encroached. We then in 1662 sent Commissioners to you, who were received with opposition by you, and by the proclamation that the General Court was the supremest judicature in the province, which was contrary to charter. We recalled our Commissioners and asked

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you to send agents, but you refused ; and so matters rested without any instance of real duty on your parts. In 1674 fresh complaints came from Robert Mason, Ferdinando Gorges and others, and we bade you send your agents, who were several times made sensible of your crime of coining money, for which you asked and received pardon. It was found, too, that you constantly transgressed the Acts of Trade, and that many of your laws were repugnant to the laws of England. Your agents promised amendment of all these things and we let them go, ordering you to send over fresh agents within six months. Nearly a year later no agents had come, and we were informed that you continued to oppress our subjects as formerly. By our letter of 15th September 1680 we gave you yet a chance, and bade you send over agents within three months, which favour you have answered in your letter of 3rd June last by frivolous insufficient excuses. At the same time we heard fresh complaints of breaches of the Acts of Trade and Navigation, of discouragement and illegal treatment of our officers, and of misappropriation of forfeitures and fees. Understanding that all the evil practices long complained of against you, oppression, coining, and religious persecution are still rife among you, we charge you once more to send over your agents, fully empowered, within three months, failing which we shall order the Attorney-General to bring a *quo warranto* against your charter next Trinity Term. *Draft with corrections.* 12 pp. [Col. Papers, Vol. XLVII., No. 79.]

Oct. 25.
Council
Chamber.

267. Journal of Lords of Trade and Plantations. Mr. Binckes' complaint against Sir R. Dutton for excluding him from his office of Clerk in Chancery to stand over till Monday next.

Captain Morris, an officer of the Virginia companies, called in, who says that when he left Virginia the two companies wanted but four men to make them complete, and that the people were in an extremely unquiet state in consequence of their extreme poverty. A paper of Lord Culpeper's as to the companies held over till Wednesday next, when the chief merchant of Virginia will attend.

Ordered, on petition of Christopher Rousby, that he be furnished, as he asks, with copies of Lord Baltimore's charges against him. [Col. Entry Bk., Vol. CVI., pp. 294-295.]

Oct. 25.

268. Lord Culpeper to Lords of Trade and Plantations. Pursuant to your orders of 18th instant, I offer these reasons why the small force that the King has in Virginia should not be retrenched. There is a vast difference between Virginia and the Island Colonies by its situation on the *terra firma*. The Islands have little to fear while England is master of the sea ; they have no native enemies nor ill neighbours, and there is no shelter nor hope for rebels to escape unpunished. In Virginia on the contrary (1) the Indians have heretofore ruined the country and at this moment extremely infest and distress it ; and although the neighbour Indians are subdued and become tributary, yet, like banditti, a very few of them in our scattered settlement can (and often have) cut off

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isolated families. And there is now extreme apprehension of an invasion of the foreign Indians, particularly the Senecas, who are well armed, valiant, cunning, and numerous, and have this year much alarmed us and Maryland. (2.) The north part of Carolina has always been dangerous to Virginia, being the resort of the scum and refuse of America, and as yet almost without the face of Government. (3.) Maryland is at present in an unsettled condition, and any disturbance there affects Virginia equally, the river alone lying between the two. (4.) More dreadful and overwhelming both to Virginia and Maryland is the low price of tobacco, our only produce, and a "meene drugge." The consequences of the poverty so engendered are more easily foreseen than prevented. There has been a rebellion in Virginia already, which has cost and lost the King above a hundred thousand pounds, and in some circumstances in Europe might have been still more dangerous. The present small force would probably have prevented it. If the like should happen again the distance of the place would make the reinedy five times more expensive than at home. The Commissioners sent by the King saw this and recommended the necessity of keeping a small force. There are plenty of reasons, both old and new, for continuing that force. I hope your Lordships will remember the great revenue that the King gains from Virginia—more than all the other plantations together—and out of good husbandry (the very same motive that brings the thing now on the stage) continue the two English companies there. I beg that the Commissioners of Customs may be consulted, and the two companies continued not only to preserve this income but to secure the peace of the country. Pray also consult the chief merchants and planters. The remoteness of habitation in Virginia, it should be remembered, makes militia less useful and more expensive when used. In conclusion I say that the peace of Virginia is insufficiently secured without the two companies and the small war vessel already mentioned. 3 pp. *Holograph. Signed. Endorsed.* Reed. 25 Oct. 1681. [Col. Papers, Vol. XLVII., No. 80, and Col. Entry Bk., Vol. LXXX., pp. 407-409.]

Oct. 27.
Council
Chamber.

269. Journal of Lords of Trade and Plantations. Several Acts of Nevis read and approved. The Lords think fit that the title of Excellency be henceforth left out in all laws which are to pass the royal assent, and that the terms of the King's Commission, empowering the Governor to make laws, be observed, and no other.

Petition of the Governor and General Court of New Plymouth read, praying for a new charter under the Great Seal, containing provisions therein set forth. Ordered, that the several patents of New England be examined and report made to the Committee. [Col. Entry Bk., Vol. CVI., pp. 295-296.]

Oct. 28.

270. Acts of Jamaica passed 28th October 1681:—

Act for regulating building and preventing fire. [Col. Entry Bk. Vol. XLIII., p. 52.]

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Act encouraging the settling of this Island. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 55.]

Act for maintenance of ministers and the poor, and erecting and repairing churches. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 57.]

Act declaring the laws of England in force. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 63.]

Act for regulating fees. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 65.]

Act for ordering boats and wherries, and for the better government of seamen. [Col. *Entry Bk.*, Vol. *LXIII.*, p. 80.]

Act for prevention of law-suits. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 84.]

Act for establishing courts and directing the marshal's proceedings. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 86.]

Act for the better securing certain titles made by way of release and confirmation under the Great Seal of this Island. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 94.]

Act appointing where the laws of this Island shall be lodged. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 95.]

Act for raising a public impost. [Col. *Entry Bk.*, Vol. *XLIII.*, p. 98.]

House prorogued to 14th July.

Oct. 28. **271.** Order of the King in Council. That the complainants against the Bermuda Company not being ready on the appointed day to make good their charges against Sir John Heydon, shall pay three pounds to the Company in London for their default, on producing a certificate whereof the matter will be heard on the 2nd November. [Col. *Entry Bk.*, Vol. *XVII.*, pp. 95-96.]

Oct. 29. **272.** [Mr. Omes?] to Sir Thomas Lynch. You will find at London. Jamaica a very honest gentleman, Mr. James Banckes, a merchant, who has recently taken up his residence there. He is a person of considerable fortune and trade, of excellent parts, and knowing in public affairs, who may be very useful to you. I desire you therefore to treat him kindly upon my account, assuring you that it may be worth your while to be acquainted with him, his friends here being loyal men and of good interest in our Court. There is, I understand, one Alexander Horne, lately imprisoned in Jamaica for speaking some words against the Governor! Perhaps it may be fond malice or mistake (there being then no Governor upon the place). I am told he is a loyal man and has very good relations here, who desired me to procure your favour for his enlargement upon your coming there, if he be not already released. 1 p. Unsigned. Addressed to "The Hon. Sir Thomas Lynch, Governor of Jamaica, now at Plymouth," and endorsed, "Mr. Omes, recommending one Mr. Banckes, a merchant in Jamaica. [Col. *Papers*, Vol. *XLVII.*, No. 81.]

[Oct. 31.] **273.** The answer of Henry Ball to the petition of Elizabeth Binckes (*see ante*, No. 255). The writer acknowledges that, having good advice of Charles Binckes's fitness for public employment, he, "upon an agreement between them," nominated him his

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Deputy in the Chancery Office of Barbados. Sir Jonathan Atkins, however, refused to admit him to the office because of some words which he was said to have used prejudicial to the King's revenue (*see previous volume, p. 535*). Binckes then returned, but meanwhile Sir R. Dutton succeeded Sir Jonathan Atkins, and Ball acquainted Sir Richard with Binckes's case, and with his intention to return to Barbados. Then, hearing that Binckes had been cast away at sea, he asked Sir Richard to put some one into the place till he could learn for certain of the fate of Binckes. Binckes arrived a little before Sir R. Dutton's departure from Portsmouth, and Ball then got Mr. Mountstephen, then Lord Sunderland's Secretary and a friend of Sir Richard's, to inform him of Binckes's intended return to Barbados, if possible, in company with His Excellency; but the ship sailed before Binckes was ready, and he made what haste he could after Sir Richard, with a new deputation for the execution of the office and a letter from the King in order thereto. Ball last heard from Sir Richard in August last that he had put Mr. John Doughty, who went over with him, into the office, and wished, if it might be, to continue him therein. Soon after Ball heard from Binckes that he had found some difficulty in obtaining admission, but was promised it next Court-day. But a few days later another letter came from him saying that the Governor had absolutely refused him admission, because of the accusation aforesaid, and that he desired Ball to appoint another Deputy. Ball thereupon, in order to do all he could in pursuance of his agreement with Binckes, sent him a deputation for one Mr. Parker, who had formerly filled the place many years; and since then has heard no more. Still fearing that the Governor would neither admit Binckes nor any substitute for him into the place, being unwilling to trouble the Lords of Trade, being unable to dispute the point with the Governor, and desiring, if possible, to live amicably with him, has agreed to proposals made to him here on behalf of Mr. Doughty, though to his loss to the sum of 200*l.*, with this proviso: that the agreement should be void in case the King in Council or the Lords of Trade and Plantations should decide otherwise. *One closely written page. Endorsed.* Recd. 25 Oct. 1681. Read 31 Oct. 1681. [Col. Papers, Vol. XLVII., No. 82.]

[Oct. 31.]

274. The answer of Robert Chaplin, Agent to Sir Richard Dutton, to the petition of Elizabeth Binckes. Sir Richard Dutton, conceiving that he has done nothing but his duty towards Charles Binckes, and expecting no complaint in respect thereof, left no particular instructions to his Agent, who must therefore refer the Lords of Trade and Plantation to the letters which they may have received from him. Thus much, however, may be added: Certain persons in London having lately obtained letters patent for some offices in the Chancery of Barbados desired Sir Richard on his departure to appoint some fit persons to officiate therein, and empowered him to do so. Sir Richard, as Governor, is answerable for the Government at large, and therefore for the due execution of

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the duties of the Court of Chancery. Some time after Mr. Binckes arrived in Barbados he produced a mandamus from the King directing Sir Richard to admit the patentees to appoint a deputy, but the said mandamus made no mention of Binckes or of any particular person whatever. Binckes demanded admission to the office on pretence of an agreement with the patentees, which the Governor does not find himself obliged by his instructions to notice. The Governor also was informed that Binckes had spread certain seditious reports in the Island, giving out that as soon as the revenue on liquors should be raised the King would lay hands upon it and give it away to some lady at Court, or direct it to other uses than those specified by the Act. Binckes himself confessed to the Governor that he had spread this report. Sir Richard, according to the desire of the patentees, appointed to the office one of whose honesty and ability he was assured, and doubts not that he will do the King and Island good service therein. The patentees have declared themselves well satisfied with this choice, so that Binckes has no colour of complaint against the Governor. Further particulars could doubtless be supplied by Sir Richard himself. 1 p. Endorsed. Read 31 Oct. 1681. [Col. Papers, Vol. XLVII., No. 83.]

Oct. 31.
Council
Chamber.

275. Journal of Lords of Trade and Plantations. The State of Virginia. Lord Culpeper, Colonel Ludwell, Alderman Jeffreys, and Captain Morris called in. Mr. Jeffreys, asked if it be necessary to continue the two companies of English soldiers, replies that Virginia is at present poorer and more populous than ever. There is great apprehension of a rising among the servants, owing to their great necessities and want of clothes; and they may plunder the storehouses and ships. He thinks the maintenance of these companies more than ever necessary. Asked by what means the price of tobacco may be raised, he answers that he knows of none except making a less quantity. Captain Morris also says that the servants are poor and ready to rise. He believes there are eighty to a hundred thousand souls in Virginia. Agreed thereupon to recommend that the two companies be continued and well paid. Lord Culpeper is ordered to furnish a general account of Virginia.

Richard Shepherd, master of the ship St. George, lately come from Maryland, reports that when he left it in August last the country was under alarm of an invasion of Indians, but that he knew of no quarrel between Protestants and Papists. Two persons, Coode and Fendall, had been taken into custody on an information that they had said that if the Parliament were dissolved my Lord Baltimore should not be quiet in Maryland. They are since released. He believes that there are thirty Protestants to one Papist in the county. He knows of no talk in Virginia of fear of an Indian invasion, though the much planting had caused great poverty among them.

The petition of Elizabeth Binckes on behalf of her husband, Charles Binckes (*see No. 255*), with an answer of Mr. Henry Ball (*see No. 273*) were read, as also the answer of Mr. Robert

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Chaplin on behalf of Sir Richard Dutton. Two letters of Sir Richard's, of 30th May and 14th June (*ante, Nos. 123, 141*), also Binckes's petition to the Assembly and their address thereupon, were read (*see No. 165*). After which the petitioner, having stated her complaint by Counsel, insists that Mr. Binckes shall be admitted to his place as Clerk, Register, and Examiner. Their Lordships then agreed upon their report (*see No. 290*). [Col. Entry Bk., Vol. CVI, pp. 297-300.]

Oct. 31.
Council
Chamber.

276. William Blathwayt to Lord Culpeper. Asking for a report on the state of Virginia, and an account of all moneys received and expended in the Government. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. LXXXII, p. 1.]

Oct. 31.
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Chamber.

277. Lords of Trade and Plantations to the King. We have considered the present state of Virginia, and learn from merchants and others that the country is in great danger of disturbance, not only through dread of Indians, but through the extreme poverty of the country, which may cause the servants to plunder the stores and ships, and commit other disorders as in the late rebellion. We think therefore that while this unsettled condition lasts the two foot companies of English should be maintained and well paid. Signed, Anglesey, Clarendon, L. Jenkins, E. Seymour. [Col. Entry Bk., Vol. LXXXII, p. 2.]

[Oct. ?]

278. Minutes of Council of Virginia. Extract of a letter from Lord Culpeper to Colonel Bacon. If I should not come to Virginia by the 11th December and you have no other orders before the Council, you should issue a proclamation, adjourning the Assembly from the day appointed in January to a convenient day in April. [Col. Entry Bk., Vol. LXXXIV, p. 100.]

Nov. 1.

279. Return of Imports from the American Colonies to the Port of London from 1st October to 1st November 1681, abstracted from the account of the Commissioners of Customs. White sugar 830 cwt., brown sugar 24,650 cwt., ginger 122½ cwt., molasses 91½ cwt., aloes 35 lbs., casticorum 49 lbs., indigo 10,360 lbs., annetto 350 lbs., tobacco 109,550 lbs., cow hides 69, catskins 141, buff hides 768, bearskins 3, vizer skins (*sic*) 1,246, tortoise shell 632 lbs., elephants' teeth 28 cwt., old shruff (*sic*) 18½ cwt., cacao 52 cwt., logwood 725 cwt., brazelette 459 cwt., pimento 7,357 lbs., fustic 60 cwt., Nicaragua wood 14 tons, lignum vitae 63 cwt., hand baskets 100 dozen, bast hats (*sic*) 4 dozen, aqua vitae 944 gallons, lime juice 1,512 gallons, cotton wool 221 bags.

Account of Exports from the Port of London to the Colonies in the same period. Thirty ships, sixteen of them bound to Virginia. The goods exported are signified by numbers. [Col. Entry Bk., Vol. XCVII, pp. 78-80.]

Nov. 1.

280. Minutes of Council of Barbados. The complaint of Mr. John Witham against Michael Figges heard (*see ante, No. 221*).

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On hearing the evidence of Mr. Richard Pococke, whereby it was proved that Figges accused Mr. Witham of embezzlement, His Excellency bound Figges over, himself in 200*l.* and two sureties each in 100*l.*, to good behaviour in future. Adjourned to 15th November. [Col. Entry Bk., Vol. XI, pp. 456-458.]

Nov. 1.
Plymouth.

281. Sir Thomas Lynch to [Sir Leoline Jenkins ?]. As the honour to be in the province makes me support the danger and hardships of my present employment, so the happiness to be under the conduct and discretion of so prudent and just a Minister makes me hope I may acquit myself with reputation. I therefore beg your permission to make my frequent application to you, and that you will give me your advice and commands in everything that may occur. I wish particularly to know how I am to receive, or the King's frigates to treat, the French that pretend to have commissions of war from the Governor of Tortugas and the coast of Hispaniola. To me it seems they are lawful, if the King of France authorise that Governor to grant commissions of war against the Spaniards. If he declares to the Spanish ambassador, or to ours at Paris that he does not, I suppose they are then frank pirates and ought to be treated as such; so our rogues will lose their subterfuge. However, it is a point that must be cautiously managed, for (like hornets) they must not be provoked unless they can be extinguished. A small frigate and no soldiers will render us incapable of doing anything towards it. I wish we may be able to defend our coasts and property against their rapine and insults. We came hither yesterday, and this foul weather may make us wait some time for the ships, so you will have time enough, if your great affairs permit you, to honour me with your commands. *Holograph.* 2 pp. *Endorsed with a précis.* Recd. 4 Nov. 1681. [Col. Papers, Vol. XLVII., No. 84.]

Nov. 2.

282. Copy of the proceedings of the Governor, Council, and Assembly at a Court held at Elizabeth Town, New Jersey, from 19th October to 2nd November 1681. The story of a long wrangle between the Governor and Council and the House of Deputies as to the foundation of the Government, the end being that the Governor and Council dissolved the Deputies, and that the Deputies protested against the dissolution. 10 pp. *Printed in New York Documents, Vol. III., pp. 293-300.* [Col. Papers, Vol. XLVII., No. 85.]

Nov. 2.
Whitehall.

283. Order of the King in Council. That the complaints against Sir John Heydon and his defence having been heard, the matter is hereby dismissed, and Sir John Heydon discharged from further attendance touching the same. [Col. Entry Bk., Vol. XVII., pp. 96, 97.]

Nov. 4.
Plymouth.

284. Sir Thomas Lynch to [Sir Leoline Jenkins ?]. I have your Honour's of 31st ultimo. Mr. Banckes may be assured of what favour I can do his brother, and Mr. Hearne's friends of all the right I can do him. If I had inclination to be neither civil

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nor just yet your commands would make it a duty (*see No. 272.*)
Holograph. 1 p. [Col. Papers, Vol. XLVII., No. 86.]

Nov. 6.
 St. Jago
 de la Vega.

285. Sir Henry Morgan to Lords of Trade and Plantations. I have at last, after seven months holding of the Assembly (though I must needs say with much difficulty, cost, and charge), got the Act of Revenue passed for seven years. But the Assembly, to secure the country from what I intimated in my last to be the grounds of their fears and jealousies, have annexed to it all other Acts passed since their first sitting and have enacted that they shall be of equal duration with it. Also, remembering that during the Governments of Sir Thomas Modyford and Lord Vaughan the King had for nine or ten years granted 600*l.* a year towards the making and maintenance of fortifications here, and that no part thereof was applied to that purpose, they have settled 1,000*l.* a year out of the impost for that use ; and that they may be sure that it shall be duly employed as intended, they oblige all Governors during the term of seven years to call annually an assembly, which is to sit for at least ten days, to take an account of the disposal of that money, and in case of misapplication the more regularly and legally to beg redress, and represent that, or any other grievance, to the King. The clause in the Militia Act I could not get passed without a mitigation to the following purport, viz., that it shall not be in the power of any Governor to force any inhabitant of Jamaica to service or do any other thing contrary to the laws of England. I heartily hope my well-intended endeavours may prove to His Majesty's satisfaction. I shall think all my time, pains, and expenses happily employed if they have that good success. You will, I hope, believe that I had no motive thereunto but zeal in the King's service ; I can hardly be suspected of any other, being on the point of surrendering the Government. I am well pleased that the tediousness in passing the Revenue Bill proceeded not from any animosities or heats among the Assembly or any disobedience to the King's commands. Never Assembly appeared to submit more cheerfully to His Majesty's will, nor hold more unanimously together. It was their anxiety to secure the country against foreign powers, and guard private interests from being impaired by the expense of fortifications in case the King's money were misapplied, that caused the difficulties and the cautions and the length of the session. The ships sail so suddenly that I cannot possibly send the Acts now : they shall be sent by first opportunity. I doubt not that when you have perused them you will excuse the cautiousness of the Assembly and represent it favourably to the King. 2 pp. Signed. Endorsed. Recd. 28 March '82. [Col. Papers, Vol. XLVII., No. 68.]

Nov. 6.
 St. Jago,
 de la Vega.

286. Sir Henry Morgan to Sir Leoline Jenkins. After all our difficulties and uncertainties, things are now, I hope, brought to a lucky conclusion. The Revenue Bill is passed for seven years, so the King gives his consent within a year and a day. I gave my assent on 28th October last, and prorogued the Assembly till 12th

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July. The long delay was due to the Assembly's fear that the country would be charged with the expense of the fortifications if a certain sum were not secured for the purpose, and that they would be forced to purchase laws of Governors, who well know the cost of assemblies, and none better than I. Having secured themselves by making the Acts indefinite and appointing a thousand pounds a year to the fortifications they passed the Bill for seven years. I hope that their proceedings may be pleasing to the King. It is only with great difficulty that I have got things done as they are; and I fear that if they be rejected it will be hard for any Governor ever again to obtain the like. I am sure the revenue will answer all expectations of the Governor and Government; if the King should keep his captain-general, lieutenant-general, and major-general, the greatest difficulty will be between this and March. Afterwards all will be easy and pleasant. I wish I had found the colony in the position wherein I leave it. *Signed,* Hen. Morgan. *I p. Endorsed.* Rec. 28 March 1682. [Col. Papers, Vol. XLVII., No. 87.]

Nov. 10.
Council
Chamber.

287. Journal of Lords of Trade and Plantations. Petition of Robert Mason against the proceedings of the Council of New Hampshire read, together with a letter from Mr. Chamberlain justifying his complaints. An address from the Council to the King concerning Mr. Mason read. Agreed to report that the Council has exceeded the direction of the King's commission, that the persons who have been active in promoting these abuses be put out of the Council, and that Mr. Richard Waldern in particular who, since the death of Mr. Cutt, has been President, be removed. Also, that the law lately passed in the Assembly concerning the propriety of lands be repealed as contrary to the King's commission, whereby the Council is only empowered to interpose their endeavour in accommodation of the differences between Mr. Mason and the inhabitants. [Col. Entry Bk., Vol. CVI., p. 301.]

[Nov. 10.]

288. Petition of Robert Mason to the Lords of Trade and Plantations. Petitioner's rights in New Hampshire, derived from a grant of King James I., were confirmed by the King by his commission of 18th September 1679, in consideration whereof petitioner entered into an agreement with him for the protection of the inhabitants (see previous Vol., No. 1041). On petitioner's arrival in New Hampshire last December, confident after twenty years soliciting of the King of enjoying his just rights, he was opposed by the Council. They had already given petitioner's lands to each other and sold them to purchasers at dear rates, and their first act, contrary to the King's commission, was to confirm this arbitrary disposal, expressly repudiating all charges consequent on the King's decision with reference to the petitioner. He nevertheless declared his right to the inhabitants and expressed his willingness to confirm their rights and give them more land on very reasonable terms. He made the same offer to every member of the Council individually. John Cutt accepted the offer and expressed his dislike of the

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Council's proceedings ; and through his influence half the inhabitants, and of the better sort, came to petitioner to have their lands confirmed. Richard Waldern and Richard Martyn of the Council, with Joshua Moody, a preacher, excited the people against any such agreements. Seditious sermons are preached and scandalous libels scattered abroad for the purpose. Some were upbraided and others threatened for owning petitioner's title ; and the Council made it its business in the several towns to go from house to house and dissuade the people. Yet most of those who stood out said openly that if the Council ordered them to pay their quit-rents they would do it. After the death of John Cutt, Richard Waldern, the new president, summoned petitioner's stewards before him, took away their deputations, threatened to punish them for demanding his quit-rents, and forbade his servants to fell in his woods without first obtaining leave (which petitioner granted to all that asked it) requiring them in the King's name and at their peril to desist. To bring matters to a head, petitioner summoned Richard Waldern, Richard Martyn, and others to appear, personally or by attorney, before the King in Council within three months, to set out the titles to their pretensions, failing which he would seek the King's final judgment against them. Meanwhile he cautioned the Council against using the King's name for private ends, or interrupting petitioner in the prosecution of the Royal authority. Hereupon Waldern, Martyn, and others issued a warrant for arrest of petitioner (*see ante*, No. 113), and Richard Martyn told him that if they could handsomely meet with him they would stop his voyage to England, and, indeed, they solicited the master of the ship not to receive him on board. Petitioner begs that the arbitrary and illegal proceedings of the Council may be annulled, that the inhabitants may be required to receive him as lawful proprietor, that the persons who have so persistently defied the royal authority may be summoned before the King in Council to set forth their titles if they can, that persons who refuse to come to terms with the petitioner as sanctioned by the King may be inhibited from felling timber except for such firewood as they need, and that the royal authority may be endorsed in petitioner's favour. *Two closely written pages.* *Endorsed.* Read 10 Nov. 1681. [Col. Papers, Vol. XLVII., No. 88.]

Nov. 11.
Whitehall.

289. [Sir Leoline Jenkins?] to Sir Richard Dutton. A letter of recommendation in favour of Mr. Samuel Feny, merchant of Barbados, suggesting that he should be made a Justice of the Peace or one of the Assistants to the Judge of the Court of Common Pleas. 1 p. [Col. Entry Bk., Vol. XCIX., p. 92.]

Nov. 11.
Whitehall.

290. Order of the King in Council. Report of the Lords of Trade and Plantations. In obedience to Order in Council of 12th October (*see ante*, No. 255), we have examined the case of Charles Binckes, and have heard Counsel on behalf of the complainant. We report that we see no reason why the said Binckes should not be admitted to the place of Clerk Register and Examiner of the

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Chancery of Barbados, according to the deputation given to him by Henry Ball, provided that the Clerk Register and Examiner be one office. But if they be several offices, the deputy may declare which he desires to execute and shall be admitted to that and to no other, in pursuance of your Majesty's instructions to Sir Richard Dutton to that end. As regards the information of Sir Richard touching the scandalous reports attributed to Charles Binckes, we recommend that it may be signified to him that he has sufficient authority to prosecute the said Binckes at law (if he see cause) for any misdemeanour committed by him. And we propose further that your Majesty will declare that you never intended the said duty on liquors to be otherwise disposed of than as appointed by the Act and will never consent that it shall be diverted in any manner whatsoever. *Dated* 10th November 1681. *Signed*, Anglesey, Clarendon, J. Ernle, L. Jenkins, Worcester. Ordered in Council accordingly. Sir Leoline Jenkins to prepare a letter for the Royal signature to Sir Richard Dutton. *Signed*, Francis Gwyn. 2 pp. *Endorsed*. [Col. Papers, Vol. XLVII., No. 89, and Col. Entry Bk. (report only), Vol. VII., p. 103.]

Nov. 12.
Nevis.

291. Sir William Stapleton to Lords of Trade and Plantations. This is most humbly to pray your Lordships to procure the arrears of the two Companies (*see ante*, No. 188), and of my own salary, now running in the fourth year, besides my arrears in Sir Tobias Bridges' regiment. Necessity compels me to this oft-repeated importunity, the soldiers as well as the planters being in a starving condition after two hurricanes, which have destroyed all manner of Indian provisions by which they might subsist until the European came. The French Governor of St. Christophers, Chevalier Saint Laurens, is come out with more soldiers for the Island; but he calls first at Cayenne on the Main, where he leaves some soldiers. He is daily expected. The French soldiers do not want for flour, meat, or brandy, while ours are naked and starving. It were much more honourable to disband them than to famish them. I am ashamed to trouble you so often with this "to be pitied subject." I have now intelligence of the Indians preparing forty periagos at Dominica, from St. Vincent and the Main to come against some of these islands (*see ante*, No. 190). I have ordered guards to be doubled. *Holograph*. 1½ pp. *Endorsed*. Rec. 4 Nov. 1681. Presented in Council, February 1681. [Col. Papers, Vol. XLVII., No. 90, and Col. Entry Bk., Vol. XLVII., pp. 26-27.]

[Nov. 13.] **292.** Articles against Richard Waldern and Richard Martyn of the Council of New Hampshire. 1. They have taken upon themselves to be of the Council without taking the oaths of allegiance and supremacy. 2. They have opposed to the uttermost the settling of the royal authority and excited others to the like. 3. Waldern has spoken dangerous words against the King. 4. Martyn has said several times that the King has no more to do in New Hampshire than Robin Hood. 5. Waldern has caused many Indians to be barbarously and perfidiously slain in time of peace, whereby many

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English were killed. *Rough draft.* 1 p. *Endorsed.* Presented by Mr. Mason, 13th November 1681. [Col. Papers, Vol. XLVII., No. 91.]

Nov. 15. **293.** Minutes of Council of Barbados. The Speaker of Assembly delivered a bill to continue the Act of Public Accounts which was returned for amendment; he delivered also an address praying for the grant of warrants for payment of several creditors. His Excellency informed the Assembly that the forts were nearly finished and that they must consider how to provide them with guns.

Nov. 16. The Assembly brought up the Bill for Public Accounts which was read thrice and passed. A Bill appointing red coats to be worn by all the foot militia read thrice and passed. Order for payment of Colonel John Codrington passed. His Excellency consented to issue the warrants requested by the Assembly. [Col. Entry Bk., Vol. XI, pp. 459-464.]

Nov. 15. **294.** Journal of Assembly of Barbados. In the absence of Edward Littleton, William Sharpe elected Speaker. The Governor and Council returned to the House several orders presented at their last sitting for the payment of Edward Rownton and several gunners, &c., with the following direction, that the payment be restricted to such funds as were in the Treasurer's lands or whereof the levies were passed before his Excellency's arrival, the funds raised since being appropriated to certain uses by the several acts. Address from the House praying the Governor to issue warrants accordingly. Bill for Committee of Public Accounts passed.

Nov. 16. Bill for Committee of Public Accounts returned for amendment by the Governor and Council, and with amendments passed. Bill appointing red coats to be worn by all the foot militia. On the petition of Colonel John Codrington ordered that John Hallett pay him 30,000 lbs. of sugar or the value thereof in money at 10s. per 100 lbs. for his care of the magazines. On the petition of Ambrose Taylor, the House recommends the Governor to grant him payment of 1,200 lbs. of sugar; and on that of John Jephson to grant him 2,990 lbs. Ordered that next sitting the Clerk lay before the House all such Acts as impose fines or penalties on any offenders, and appoint the same to the use of the country. [Col. Entry Bk., Vol. XIII., pp. 454-458.]

Nov. 16.
Whitehall.

295. The King to Sir Willian Stapleton. The officers in our Colonies having been remiss in their duty of giving us an exact account of the course of trade therein, you will direct the Naval officer of your Government to keep particular accounts of all exports and imports, and of shipping, giving the names, burden and guns, and transmit them to the Lords of Trade and Plantations. If fit officers for the duty be wanting you will appoint them. *Signed,* Sunderland. [Col. Entry Bk., Vol. XLVI., p. 461.]

Nov. 18.
Whitehall.

296. The King to Sir Richard Dutton. Charles Binckes has complained to us that you refused to admit him to his office of

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Examiner in Chancery of Barbados. The Lords of Trade and Plantations report that they see no reason why he should not be admitted thereto, and you will therefore admit him. As to the offence that you charge against him you have sufficient authority to prosecute him. 1½ pp. [Col. Entry Bk., Vol. XCIX., pp. 93, 94.]

Nov. 19.
Council
Chamber.

297. Journal of Lords of Trade and Plantations. Lord Culpeper being in attendance on the affairs of Virginia, the petition of the owners of the ship Planter's Adventure (*see next abstract*), was presented by him and read. The Lords, however, are of opinion that, there being an Act of Assembly of 1677 which dissallows this exception of Virginian owners, as well as an Order in Council of 14th October 1680 which vetoes an enactment conferring it on them, the petitioners have no claim to the exemption for which they ask. The Virginian Assembly, however, is at liberty to submit the draft of a Bill legalising such exemption. Lord Culpeper represented the great abuses committed in Virginia by masters of ships who make false entries to avoid the duty of two shillings a hogshead, and that the same cannot be discovered otherwise than at the unloading of the ships in England; for which he desires that orders may be given. The matter was referred to the Commissioners of the Treasury. Agreed to recommend that the King send three hundred pounds worth of flax seed to Virginia. Lord Culpeper's new Commission considered. List of the Council to be inserted in the Instructions instead of the Commission. [Col. Entry Bk., Vol. CVI., pp. 305-307.]

[Nov. 19.] **298.** Petition of Nathaniel Bacon, John Page, Thomas Thorp, and George Poindexter, owners of the ship *Planter's Adventure*, to Lord Culpeper. Petitioners purchased the said ship on the encouragement given to Virginian owners of by particular order of the Assembly (*see previous Vol., No. 447*). Since then they have learned that the King and the Lords of Trade and Plantations have made an objection to the Order in favour of Virginian owners; therefore beg you to intercede with the King to permit them to preserve their privilege to them for so long as the ship be fit to go to sea. She is now over nine years old and never carries above four hundred and forty or fifty hogsheads a year. The loss to the King would be small and the relief to petitioners great (*see ante, No. 150*). 1 p. Endorsed. Recd. 19 Nov. 1681. [Col. Papers, Vol. XLVII., No. 93.]

Nov. 22.
Council
Chamber.

299. Order of the King in Council. That the payments for the two foot companies in Virginia and for their staff cease at Christmas; and that the companies be disbanded by Lord Culpeper unless the Governor and Council and Assembly of Virginia be willing to pay them. The Lords of the Treasury are to see that all arrears due to them up to Christmas are paid at that date. The Lords of Trade and Plantations are to inspect the revenue of Virginia to prevent abuses in the management and disposal thereof. 1 p. [Col. Entry Bk., Vol. LXXXII., pp. 2, 3.]

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Nov. 22.
Council
Chamber.

- 300.** Journal of Lords of Trade and Plantations. Several Acts of Antigua read.

Draft of new Instructions for Lord Culpeper ordered on the model of Sir Thomas Lynch's. His Majesty coming into the Council, the report of the Lords on the two foot companies in Virginia was read, recommending that they be continued and well paid. Ordered, that the payment to them from the Exchequer shall cease, and the companies be disbanded unless Virginia is willing to pay for them. The Commissioners of the Treasury ordered to pay their arrears. The Lords of Trade and Plantations also are directed to examine the revenue of Virginia and check abuses therein.

Letter from Barbados of 1st October with the proceedings of the Council concerning an exchequer read. [Col. Entry Bk., Vol. CVI., pp. 307-309.]

Nov. 22.

- 301.** Memorandum.—A letter, dated 28th September 1681, was this day sent to Sir Thomas Lynch, being to the same effect as the circular letter, and letter touching the Act of Navigation sent to Lord Carlisle (*see previous volume, No. 628*). A postscript from Sir L. Jenkins impressed on the Governor the duty of regular reports to the Principal Secretary of State. Also were sent on the same day two letters dated 11th October 1681 to the Governor and Council and to the Secretary for quarterly accounts; that to the Secretary rebuking him for his remissness in observation of former orders. All three letters were signed, Anglesey, Conway, Hyde, L. Jenkins, E. Seymour. [Col. Entry Bk., Vol. XXX., p. 46.]

[Nov 23.]
Plantations
General.

- 302.** Form for a return of all goods exported from one of the Plantations to another. Endorsed, "Sent to the officers of the Customs, 15 and 23 Nov. 1681. Sent 14 Feb. 1681[2] to Mr. Guy for the Commissioners of Customs. 1 p. [Col. Papers, Vol. XLVII., No. 94.]

Nov. 23-24.

- 303.** "Journal and narrative of Jonas Clough, an Englishman, lately prisoner with the Spaniards, containing a true and just account of his own and many more Englishmen's sufferings under the Spaniards, being a true relation of their unchristian and inhuman usage to them in those parts, put into writing by order of the Honourable Sir Martin Westcombe, Knight, Consul and Agent to his most Serene Majesty of Great Britain in Cadiz." The narrative opens with the arrival of the ketch Susan of London, Ralph Morris, master, at the Island of Trist, for logwood, having a pass from the Earl of Carlisle. In the following month she, with three other English ships, was captured by the Spaniards, together with all the men on board. Some who were ashore at Campeachy escaped, but were forced to remain where they were and feed on "monkeys, guyanas, and other loathsome reptiles" that the place afforded, being unable to get back to Jamaica for want of shipping. After a time, however, they obtained canoes, and as many as could be embarked sailed in them to Trist. There they found two New England sloops and another, and were intending to sail to Jamaica, when, on the 8th April 1680, the Spaniards came, took two of the

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sloops and forced the third ashore on Beef Island, called by the Spaniards Jica Lanoga, to which the men that remained untaken removed themselves, some eighty in all. The Spaniards followed them up with five hundred men, routed them, killed and wounded a few, and took all their canoes but one. All through May the Spaniards attacked and took several other English ships, though they were beaten off by Captain Robert Oxe in the Laurel of Boston. In the middle of the month the English on Beef Island being helpless surrendered on terms, being promised security for their lives, persons, and wearing apparel, and that they should be conducted to Jamaica or Caymanos. The number that thus surrendered was between eighty and ninety. The Spaniards having burnt the English houses, sailed with their captives for Campeachy, where they committed them to a dark dungeon, and allowed them daily a pint of "loblolly" made of Indian corn or "mayez." In June the whole of the prisoners were embarked and carried, contrary to treaty, to Vera Cruz. Here the English were landed and packed into "a close and stinking tan-house" where they were almost poisoned by the stench of raw and putrid hides. They were for three days given nothing to eat, and were then employed in carrying away sand in handbarrows. Appealing to the terms of their surrender they were told that when they had made a bridge of sand to Europe they would be allowed to go. Finally, after much hard usage they were shackled together two and two and marched up to Mexico, where they were paraded through the streets in their chains with trumpets sounding before them. After a fortnight in prison they were distributed among different houses to work with smiths and other laborious artificers. After three months they were again remanded to prison and sent up some leagues from the city to work with weavers. Here they were crowded a hundred in a room, almost eaten up with lice, given bad food and little of it, and compelled to card ten pounds of wool a day. Their masters told them that they were slaves, and that they had bought them of the Government of Mexico for six pieces of eight a head. Many fell sick and were put into the hospital where they were most barbarously used. One who died was dragged through the city by Indians, obscenely mutilated by the scholars of the free school by order of the clergy, and left to the dogs; nor were his countrymen allowed to bury him. Meanwhile some were drafted for the pearl fishery whence there is no hope that they will ever return. Many attempted to escape but were recaptured. Jonas Clough after several failures at last managed to escape, first to Havana in the Armada of Barlovento, and then to Cadiz in a Portuguese ship—the only man that escaped of a hundred and thirty-six souls that marched from Vera Cruz to Mexico. On the voyage he learned from a franciscan friar of other English prisoners at Lima. He also heard of over seventy-five more at Saint Angelo, and others on the Armada of Barlovento. List of prisoners, men and women, is appended, numbering a hundred and fifty names. Sworn depositions of several other escaped prisoners also appended, confirming and supplementing Clough's statement. *The whole,*

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22 pp. *Endorsed.* Recd. 20 Dec. 1682. Read at the Committee, 18 Jan. 1682-83. [Col. Papers, Vol. XLVII., No. 95.]

Nov. 24.

304. Minutes of Council of Barbados. Copies of warrants for payment of salaries approved on 15th November. [Col. Entry Bk., Vol. XL, pp. 465-472.]

Nov. 26.
Council
Chamber.

305. Journal of Lords of Trade and Plantations. Lord Culpeper's old Instructions with his answer to the several particulars read (see No. 320). Ordered, that Colonel Philip Ludwell and Colonel Wormley be put into the Council. Lord Culpeper called attention to complaints which are often made by Indians against the English, and desired instructions how to act thereon. The Lords think that on the notoriety of the fact, through statement of the Indians or otherwise, the offenders be punished by the Governor and Council or by the General Court, though no oath intervene. The Indians also are to be admonished to punish such of their own people as have been found to have made false complaints. The Governor also is to be instructed to devise, with the half of his Council, some effective means for administering justice between Indians and English. Lord Culpeper informs the Lords that there is but one papist in Virginia, and about one hundred and fifty dissenters who call themselves "Sweet Singers." Ordered, that the instruction to Lord Culpeper about religion be verbatim the same as that to Sir Thomas Lynch. An instruction also is to be prepared, that the Governor recommend to the Assembly the substitution for the poll-tax of an impost on imported liquors, and endeavour to get it passed for a long time, to which end he may offer that it be appropriated to the public use of the Colony. Agreed that the musters of the militia be settled so as to be most easy to the Colony. Lord Culpeper ordered to send lists of every troop and company that the King may know what force can, in case of need, be brought together; also to deliver a survey of the stores in Virginia, for which Captain Morris will furnish him with an account of the arms left in Virginia. Accounts of stores and public powder to be furnished regularly in future. The Surveyor to furnish surveys of the land set out and patented to the inhabitants. [Col. Entry Bk., Vol. CVI., pp. 309-311.]

Nov. 29.

306. Extracts from letters to the Royal African Company from their factors in Barbados. 30th May 1681.—We must acquaint the Company that whilst we were selling negroes on board their ships, an interloper arrived at the leeward end of the Island with about a hundred negroes, which were then put on shore without interruption. Nor is it in our power, do what we can, to prevent it without the assistance of the man-of-war, which has not cruized since the arrival of our new Governor. We have addressed ourselves to him on the subject, and he replies that he would willingly give the Company all the assistance that he safely could, but complains of the want of effectual orders to do all he would. We beg the Company's further assistance herein, for without it the interlopers

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will spoil the trade and do what they please, for they carry their heads very high. *2nd July.*—We heard with great satisfaction of the capture of the Vyner, an interloper, by the Norwich frigate in Jamaica. We should have been as satisfied if the Richmond had taken some of the many that come here, but for the reason formerly given she has not been ordered out since Sir R. Dutton's arrival. About ten days since she was ordered to cruise round the island, but returned in three or four days, being, as the captain and officers affirmed, unable to keep the sea till she is careened, the sheathing being loose and the ship very leaky. It is said she will sail in a few days to Jamaica to refit, so we presume it will be six months before we see her again, if then, when, unless more stores and provisions be not sent hither, she must go to England. So that we look upon the island as, in effect, without a frigate for more than twelve months, at which the interlopers much rejoice, not caring to have a ship of war here. The Vyner did some damage to the Norwich when taken, and they bemoan the misfortune that she did not sink the King's ship by striking her amidships with her stern, as was designed. *9th November 1681.*—Unless the King support the Company and disown those in places of trust who ought to support his rights, but instead thereof not only are breakers thereof themselves but encourage others, we shall never see the Company established in full enjoyment of its grant. Colonel Henry Drax and Mr. John Peers of the Council of Barbados are such men, and also, as we are informed, Colonel Christopher Codrington, Lieutenant-Colonel John Codrington, and Mr. Samuel Husbands; it would be well if the King displaced them from the honour and trust which they so much abuse. Two interlopers have lately landed their negroes at the usual point to leeward; one carried ninety, the other a hundred and ten. We could not prevent it. No one will help us now the man-of-war is gone. If she were here the Governor would not let her meddle with interlopers without the King's further order. *Copies. 2 pp.*
Endorsed. [Col. Papers, Vol. XLVII., No. 96.]

[Nov. ?]

307. "Draft of a memorial to be delivered to Don Pedro Ronquillo touching injuries done to the English in America." The King, hearing of the spoils and oppression sustained by divers of his subjects in America by the subjects of the King of Spain, has commanded the following abstract of the facts to be given in to the Spanish ambassador. In January 1680 Captain Bockingham's ship the John, of London, 300 tons, 20 guns and 7 men, the Loyal Farmers, pink, of Boston, New England, the Susan, ketch, Ralph Morris master, and a ship belonging to Hugh Pering of New England, together with other vessels, were seized by the Spaniards at Trieste and carried to Campeachy. In May 1680 John Whitehead, master of the barque Expectation, who had no Spanish commodity on board, and Captain Oxe, of the Laurel, were violently seized by the Spaniards. In August 1680 the ship Bear, William Diggins, master, and the Fortune, John Smith master, were also taken, and their men sent prisoners to Vera

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Cruz. All this contrary to the Treaty of 15th July 1670, wherein it is provided by the 3rd, 10th, and 15th Articles that both parties shall abstain from depredations, and that subjects of either nation, if forced by stress of weather or other cause into the ports of the other, shall be treated with kindness and humanity, and allowed the means of refreshing themselves and repairing their ships. Notwithstanding this, the Anne of Bristol, Thomas Shellam master, being forced in July 1680 into Vera Cruz by sickness and want of provisions, was seized by the Spaniards, the crew imprisoned, the cargo ruined, and the vessel itself, after much hardship had been used to the crew to induce them to make such a confession as would lead to its confiscation, was finally sold for the benefit of the owners. It is also proved, by undeniable testimony, that in April 1680 the Spaniards seized several English subjects in the Isle of Trist, took two sloops, and forced a third on shore. Some of the English having escaped were attacked by the Spaniards, who killed one and wounded three. The rest surrendered on terms which were broken. (*Recapitulation of the story in No. 303*). The number of English subjects now prisoners in and about the city of Mexico, the Armada de Barlovento, Havana, and elsewhere is between three and four hundred souls, who, notwithstanding their appeals for justice, can never obtain redress from the Spanish Governors. There are several other complaints of injuries done by Spaniards, which will be represented in due time when the evidence has been collected. The King hopes that His Catholic Majesty will immediately give orders for the liberation of the imprisoned English, and the repairing of those who were despoiled at Trist, in pursuance of their capitulation, which the King insists may be duly observed; also that His Catholic Majesty will instruct his Governors to observe the Treaty of 1670. *Draft on half margin, with corrections. Endorsed as here headed. 20 pp. [Col. Papers, Vol. XLVII., No. 97.]*

[Dec. 3.]

308. Petition of Reginald Wilson, of Jamaica, to the King. Prays for appointment by patent to the naval office of Jamaica erected by Sir Thomas Lynch (*see ante, 213*). 1 p. [Col. Papers, Vol. XLVII., No. 98.]

Dec. 3.
Council
Chamber.

309. Journal of Lords of Trade and Plantations. Petition of Reginald Wilson, of Jamaica, read (*see preceding abstract*), together with Sir Thomas Lynch's letter of 1st September concerning him (*see No. 213*). Agreed to recommend that the naval office be granted to Wilson by patent, provided it be executed in person and not by deputy.

Act of Antigua read, enabling Thomas Ball to sell land. The Lords disapprove it, thinking it wrong that the estate of inheritance of any private person should be disposed of by Act of Assembly except on extraordinary occasions, and after directions of the King obtained. Ordered, that Sir William Stapleton be instructed to suspend the operations of the Act unless the land be

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already sold, and to report. [Col. Entry Bk., Vol CVI., pp. 312-314.]

Dec. 3.
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310. Lords of Trade and Plantations to the King. Recommending the granting of letters patent to Reginald Wilson constituting him naval officer at Jamaica (*see preceding abstract*).

Ordered by the King in Council accordingly. [Col. Entry Bk., Vol. XXX., p. 52.]

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311. Sir Jonathan Atkins to Lords of Trade and Plantations. I have had some difficulties in obeying your commands, owing to indisposition arising from change of climate from the West Indies, and a hurt received on shipboard during my passage home. I could not attend you before, and I do not now think it worth while to repeat all the circumstances of the Government of Barbados, which I have so often laid before you ; and I apprehend rather that you expect of me an account of the Island exactly as it stood when I left it, with all possible brevity, so far as my memory will serve me. My papers, which extend over a Government of some length, were disordered by my sudden departure, and some of them lost. First, as to the Church. I found it in disorder enough, the churches being for the most part incapable of receiving the people, and the incumbents of performing their duty. By the Bishop of London's help, I got the place supplied with able and orthodox ministers, and prevailed with the people to repair the defective churches and rebuild those ruined by the hurricane. This is now done, and the eleven churches of the eleven parishes are now as decent and in as good order as in such a place could be. The maintenance of the ministers is derived two ways : one by a law of the country which gives them only a pound an acre, the collection whereof, owing to the size of the parishes, some of which are six miles long, does not amount to a competent maintenance. In every parish, therefore, they allow a certain exhibition (*sic*), which amounts to forescore pounds a year besides perquisites, which is assessed by the vestry and included in the rates for the expenses of the poor, ministers, and churches. This is paid to the minister either quarterly or annually, and the salary is augmented or diminished according as the minister pleases or displeases them. It were well if it could be brought to certainty without dependence, but they will never be brought to alter their customs, though I did endeavour it. I hear that I am blamed for suffering one Mr. Grey to continue as minister, though not in holy orders. It is true that there was such a minister there, and had been there for more than twenty years. I had no complaint against him ; his parish loved him well, but whether he were ordained or not I cannot say. If he were not, I am sure I could not ordain him. He was orthodox in his doctrine and well observed the rules of the Church of England. Moreover, the 15th paragraph of my instructions forbids me to suffer any man to be molested or disquieted in the exercise of his religion, so he be content with a quiet and peaceable enjoyment of it, not giving offence or scandal to the Government. The Governor himself is required to be of

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the Church of England and to recommend that religion, with discretion to others. I found in Barbados that my constant going to church did more to make others frequent it than if it had been imposed on them, and when I left there was not one church which did not observe all the rites of the Church of England. As to the courts of justice, I informed you that there were five, consisting of a judge and four assistants. I lately sent you their names. Trial is by juries, made up of the freeholders in the several districts. Four courts would suffice, but they are so jealous of any alteration of their first constitution that when Francis, Lord Willoughby, tried to reduce them to three, they never had the least kindness to him, believing that if any of the privileges granted them through Lord Carlisle might be taken away, their properties might follow. The Assistants have no profit from their places, and are elected as near as may be of persons most fitted for the duty. The judges issue writs from their several courts, under their own hands and seals, for which they are allowed small fees established by local Act. All fees of court and of officers are fixed by Act, though how well observed I cannot say. After a verdict they may bring a writ of error, which is brought before the Governor and Council, sitting as a Court of King's Bench or something of that kind, and observing the same methods as that Court in England. There is also a Court of Chancery, the Governor being Chancellor by the King's commission. He sits in Chancery every month by law of the Island, and is obliged to have four of the Council to sit with him, and as many more as will come may give their votes; the majority carries it, and the Governor has a casting vote, which is seldom needed. I gave you a full account of the Militia, from the Colonels and Field Officers (*see previous volume, Nos. 1336 xxvii.-xxxiv.*). Mustermasters they will not admit, for two reasons. First, because all are obliged to find and bear arms, and they think it hard to increase the burden of the poor. Secondly, the planters by the Militia Law are to find arms and men both for horse and foot. Though they have arms they lack men, population decaying owing to want of land, so if the law were strictly executed it would be very hard on them. I gave you a particular account of the fortifications. When I came first to Barbados most of them were down, being built too close to the sea, and the guns and carriages lying in the water, so I was forced to build new works and constrained to be engincer myself, there being none other that understood anything of fortification. I erected several new works and closed all that had before been but batteries, made courts of guard for the arms and lodgings for the officers, and mounted two hundred pieces of ordnance on the batteries. I gave you an account of all this. At my departure I left fifteen hundred firearms in store, which were bought by the country's request in England, and for which it has paid or must pay. Since I entered upon the Government, the King has been put to no charge for fortifications, guns, or gunners, which I am sure cannot be said of any other Colony. I left also five hundred barrels of powder, collected by a local law which requires every ship to bring one pound of powder for every

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ton that she carries. I also left ball and gear for the great guns, a good quantity of small shot, and other necessaries, all of which cost the King nothing. I sent you an account of the population. I reckon the negroes at forty thousand, but it is impossible to give a certain account of them. Finally, I left the Island better than I found it. *Holograph. Five closely written pages. Endorsed.* Rec. 6 Dec. 1681. Read 27 Jan. 1681. [Col. Papers, Vol. XLVII, No. 99.]

Dec. 6.

312. Extract of a letter from Christopher Rousby to Robert Ridgely. You will be doubtless be surprised to hear that I am not yet free from my trouble with Lord B[altimore], but I thank God that though I have moved slowly I have miscarried nowhere, but have lately gained a very great point, and stand fair to effect not only my own business but yours also, whereof I hope shortly to give you good account. Though the character given me by his Lordship is as black as hell I hope that I am not yet looked on as so profligate or despicable a rogue as he sets me forth, but have met with honourable and just dealing and several unexpected friends, some not of the meanest rank. Here is great news lately. A grand jury of eminence for estates and judgment was sworn to go upon the indictment of Lord Shaftesbury, who was then in the Tower. The witnesses were Turberville, Smith, Booth, Haines, Baines, and a crew of Irish blades. They all swore like stout sinners, but the quality of the persons, the improbability of the testimony of some, the contradiction of others, and the certain knowledge of some of the jurors that a paper found amongst Shaftesbury's writings touching an association, upon which great stress was put, was a thing done in Parliament time. Some motions had been made in the House of Commons concerning it, which, if it had been a contrivance made outside Parliament, might have amounted to treason. On the whole matter the jury ignored the bill. The last day of the term, which was this day sennight, Lord Shaftesbury, Lord Howard of Escrick, Mr. Willmore, Mr. Wilson, and another, all committed for treason, were, upon their *habeas corpus*, admitted to bail and suffered to go at large. There was great rudeness at the Old Bailey when Shaftesbury's bill was ignored, and great shouting and noise by the common people. Many bonfires were lit that night in the streets by the rabble, who in some places were over disorderly to the people that passed, forcing them to give money towards their fires and drinking the earl's health. This has been very ill resented and complained of. But it is the common opinion that if the jury had found a true bill, many hundreds of the Whiggish party would presently have been committed to prison, for that is the term of distinction from the Court party called Tories. Meanwhile, beware of that treacherous, false, lying, swearing, deceitful man, Mr. Vincent Lowe, whose false, forward, foolish affidavit against me, in order to strip me of my office and take away my life, I have hinted to you in my last letter. Beware yourself, and so, I pray you, desire my brother and all our friends to beware, of persons of that stamp, lest you woefully

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experience, as I have done, how void of conscience and honesty they are. I hope you will pardon me if I seem a little too bitter, for it was not my design to appear so. I have spoken here with several masters who conclude that the paying of an easy penny in Maryland is much more for their profit than paying a halfpenny in England with the demurrage of lading and unlading the ships. [Written against this sentence in the margin, in Lord Baltimore's hand: Rousby's old practice of compounding with the masters will still be pursued.] Personal messages. 1 p. Copy. Endorsed, "An extract from a letter from Rousby to Robert Ridgely, the whole being two sheets of paper. This extract is truly copied and examined with the original, which is in the hands of (Signed) C. BALTEMORE." [Col. Papers, Vol. XLVII., No. 100.]

Dec. 6.

313. Christopher Rousby to Robert Ridgely. We have letters from Virginia signifying some kind of disturbance in Maryland, as if his Lordship and the Assembly could not agree; that Fendall and Coode are still in durance, and others imprisoned besides them; and that his Lordship keeps forces in arms and the common people in great dread and fear. These letters are dated about the 12th or 14th September, and came by a Liverpool man out of Potomac. I wish I had one from you of that date. [The letter continues like that in preceding abstract as to Lord Shaftesbury's trial]. Copy. $\frac{1}{2}$ p. Endorsed. [Col. Papers, Vol. XLVII., No. 101.]

Dec. 7.
Whitehall.

314. Order of the King in Council. Confirming the judgment of the New York Court of Assizes in the case of Hall v. Darvall (see ante, No. 235). 1 p. [Col. Entry Bk., Vol. LXVIII., p. 53.]

Dec. 7.
Whitehall.

315. Order of the King in Council. That Mr. Samuel Mearn, His Majesty's stationer, deliver fifteen large church bibles to such person as the Bishop of London shall appoint, for the Leeward Islands, and that the Commissioners of the Treasury pay him for the same. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. XLVI., p. 462.]

Dec. 8.
Barbados.

316. The Governor and Council of Barbados to Lords of Trade and Plantations. Transmitting Quarterly Returns of transactions of Council and Imports. Signed, Ri. Dutton, Fran. Bond, Richard Howell, John Peers, Alex. Riddocke, Edwyn Stede, Henry Walrond, Thos. Walrond, John Witham, Thomas Wardall, Sam. Newton. $\frac{1}{2}$ p. Endorsed. Recd. 3 April 1682. Read 8 April 1682. [Col. Papers, Vol. XLVII., No. 102, and Col. Entry Bk., Vol. VII., p. 117.]

Dec. 10.
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317. Journal of Lords of Trade and Plantations. Two letters of 26th May and 10th July (see Nos. 120, 166) from Mr. Badcock, Surveyor of Customs in Maryland, to Commissioners of Customs, read. Agreed to report that a letter be written reprimanding Lord Baltimore for his obstruction to Badcock in the execution of his duty, and requiring him further strictly to observe the Acts of Trade and Navigation. The Lords will inquire further of the matter of the Commissioners of Customs. [Col. Entry Bk., Vol. CVI., pp. 317-318.]

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Dec. 12. **318.** Commissioners of Customs to Lords of Trade and Plantations. In obedience to Mr. Guy's letter of 12th July (*ante*, No. 169) we submit the following report on the Act of Virginia submitted to us. The time, wherein the Act is to take place for the landing of goods, expired, we find, on 29th August last, and the time from which it is to take place for shipping tobacco is 20th March next, which is now at hand, so that these times cannot possibly be complied with. Next, as to the general drift of the Act in respect of appointing places for landing and shipping of goods. In 1674 we obtained an order of the King directing the appointment of such places, and in 1677 a similar order to apply to Maryland. But we find that even in England where trade has been long settled the carrying out of these regulations has been a matter of great difficulty and time. Not half of the lawful quays and landing-places in this kingdom had been set out in 1671, when the present commission of the Customs first began; and though it has been our constant endeavour to complete the work, it is not yet finished. Moreover, such landing-places have never been appointed in England with a view to forcing towns to be built and merchant vessels to call there. Trade is to be courted not forced. Where trade carries itself and where there has been reasonable accommodation for merchants, that is the place where it has been our principle to appoint a quay. But in this Act we find wharves and quays appointed where there are no warehouses or accommodation for receiving goods, nor, indeed, any inhabitants. It is very unreasonable to compel people to go where there is no shelter for them. In England, again, quays are never appointed without a commission to the magistrates and principal inhabitants, making them judges of the matter, but we find no such method in this Act, though it is the only one practicable. Again, we notice in this Act directions that no tobaccos are to be seized on their way to the Custom House, nor in them, for any debt due under the Act, and that bricklayers, &c., are to be freed from arrests for five years. These provisions seem to us very extraordinary, and of dangerous consequence to the disturbance and overthrow of trade. Moreover, anything of this nature that is done should apply to Maryland as well as Virginia, lest the inhabitants of Virginia be thereby driven to Maryland. Further, on discourse with the merchants and traders to Virginia, we find them dissatisfied with this Act as burdensome to their trade and impracticable. They add that where anything of this kind is done the warehouses must be first built, and built of brick with roof of tiles, not of wood with roof of shingle, from fear of fire. It is certain that if this Act were enforced the traders would be aggrieved and driven to smuggling. On the whole, we recommend that the Act be by no means confirmed, but that the whole question should be referred back to the Governor of Virginia for reconsideration and that the like directions be at the same time given to the Governor of Maryland, so that the advice of our officers may be taken thereupon; for the subject is one of deep concern to the King's Customs. *Signed*, W. Butler, Ch. Cheyne, G. Downing, And. Newport. $3\frac{1}{2}$ pp. *Endorsed*. [Col. Papers, Vol. XLVII., No. 103.]

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Dec. 12. Duplicate of foregoing. [Col. Papers, Vol. XLVII., No. 104.]
- Dec. 12. 319. Lord Culpeper to Lords of Trade and Plantations. Account of his Government required by order of 31st October (*ante*, No. 276). I received my instructions and commission on 10th December 1679, and reached the Downs on the 13th, after vexatious delay due to Captain Lovell, of the yacht Catherine. I was detained by contrary winds till 13th February 1681, and then set sail in the Oxford frigate. We stayed at the Bermudas four days, and after a tedious passage reached Virginia on Monday night, 3rd May 1680. I waited till the 10th May, alike to humour the Council and to inform myself of the affairs of the Colony, then published my commission, took the oaths, and administered them to all of the Council except Francis Leigh, who was not arrived, and Henry Meese and Rowland Place, who were then, as now, in England. Having by their unanimous advice (as was my constant rule) settled all commissions, civil and military, I issued a proclamation calling an Assembly to meet at Jamestown on the 8th June. Meanwhile I charged the Council with the duty of answering your heads of inquiry, supervised the County Courts, and visited several places where it was proposed to build forts, particularly Tindall's point in the York River, but found not one suitable to defend ships against a vigorous enemy by sea without vast charge and expense, and few positions tenable against an enemy by land except against Indians. On the 8th June the Assembly met. Their first act was to recommend Robert Beverley for their Clerk, *nemine contradicente*, wherein they were backed by the unanimous vote of the Council. Though my orders were to exclude him from all public employment pending the King's pleasure, I could not deny them without disobligeing the whole country, so I consented. I have at any rate gained a point to the Crown, for no Governor ever appointed a Clerk before, and I also averted the raking up of old quarrels, for which many members were ready. The same considerations prompted me to defer the removal of Colonel Edward Hill from the commission. Also, contrary to my expectation (for at the first reading it was rejected *nem. con.*), I persuaded the Assembly to pass a perpetual Revenue Bill, as I brought it from England, with the alteration of but two provisions, viz., to exempt (1) ships belonging entirely to Virginian owners but not built there, and (2) ships built in Virginia. The first was brought in by mistake; it was never intended, is contrary to a former Act, and, in my opinion, is sure to be altered by the next Assembly. The second, notwithstanding your Lordships' opinion to the contrary, I still think most fitting (at least for a time), and it will, I am confident, be insisted on by the next, and by every subsequent Assembly in Virginia. The remarkable thing is that the Bill, which was first rejected *nem. con.*, was finally passed unanimously. I gave the Royal assent also to two other Acts of indemnity and naturalisation, and passed several more which have been laid before you. The Assembly was adjourned by me to 15th February 1681, and now stands adjourned to 20th January 1682, with a design of

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a longer adjournment except the King order otherwise, or some sudden emergency should occur. On the 8th July 1680 I repealed all the Acts mentioned in my instructions except three, of which I deferred the repeal, on the advice of the Council, till the Assembly should have supplied some necessary particulars in every one of them. I delivered the presents sent by the King to the Indians, except the coronets, for reasons already before you. The coronets were lost, with the rest of my goods, when the James was wrecked in the Downs. The instruction conveying the King's high resentment of a representation made by the Assembly to the late Colonel Jeffreys, is suspended by me on the humble and unanimous petition and advice of the Council. Pursuant to another instruction I nominated five officers to command in nine counties against the Indians, but subsequently, on the advice of the Council, I appointed Colonel Joseph Bridger as sole commander for all the said counties. On 29th June, at the earnest instance of the Council, I admitted Colonel Philip Ludwell to be of it, and on 8th July Colonel John Page and Colonel Matthew Kempe, both loyal and well qualified men, in the room of Rowland Place and Henry Meese, absent in England. On 2nd August I issued a proclamation for the collection of quit-rents, but I have not yet received any particular account thereof, and fear that the low price of tobacco and the cost of collection will make it inconsiderable. I also took measures for the collection of arrears. Lastly, I did not communicate my second commission at all, fearing that it would be most distasteful to the whole country, but I left it with Secretary Spencer in case of Sir Henry Chicheley's death. I understand, to my great satisfaction, that you have thought fit to alter it and let it stand as heretofore. I should have mentioned that on the death of Colonel Swann, one of the Council, I directed Colonel William Bird to be sworn in his place. I have heard no more since, but I recommend the confirmation of the appointment. All the instructions not answered herein are answered in the margin next to such instructions (*see next abstract*). I sailed for England 11th August 1680.
Signed, Tho. Culpeper. On 27th July 1680 Colonel Nathaniel Bacon, Auditor-General of Virginia, with assistance, paid off all the officers and soldiers of Sir Henry Chicheley's company for seven musters of fourteen months, from 1st May 1678 to 1st July 1680, "to the good liking both of landlords, soldiers, and country."
Signature repeated.

THE PRESENT STATE OF VIRGINIA.

The House of Burgesses consists of forty-one persons, two for each of twenty counties, and one for James City. The charge of the Government is maintained—(1.) By private levies raised in each parish for the minister, church, courts of justice, burgesses' wages, &c., which are never brought to the audit or accounted for publicly. Yet they are as high, unequal, and burdensome to the people as any other, being generally managed by sly, cheating fellows that combine to defraud the public. They ought to be

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inspected and supervised by Government. (2.) By public levies raised from time to time by Act of Assembly and accounted for in the Assembly, for extraordinary occasions of the Government, which, though much better ordered than the first named, are and have been (as I believe) often misapplied. Both these imposts are raised by "titheables" or working hands, of which there are about fourteen thousand in the whole country. The method is extremely unequal, very costly in collection (at least twenty per cent.), and causes vast quantities of trash tobacco to be made, which not only clogs the market but disparages the quality of the commodity, and is ruinous to the country. Could the Assembly be induced to raise a much smaller sum by a duty on imported liquors and other commodities, that alone would be a great relief to our sad condition. (3.) By two shillings a hogshead on exported tobacco, together with fifteen pence a ton for the tonnage of each ship. These latter charges were formerly called Fort duties, which were received by particular associations (as they call them) and were in a manner appropriated, or rather engrossed by particular persons to particular forts. By guess these may be worth *communibus annis* about 3,000*l.* a year, and, if well looked after, five or six hundred pounds more, out of which the Governor, councillors, judges, or other persons are paid their salaries. (4.) By the quit-rents, as to which I refer you to my former accounts.

As to judicature, there are County Courts in each of the twenty counties, from which an appeal lies to the General Courts, of which there are three every year. Appeals from the General Courts were formerly heard by the Assembly, but are now heard by the King in England in great causes. The ecclesiastical government lies, under the King, in the Governor, who grants probate of wills, and presents, or ought to present, to all livings, though only such persons as are certified by the Bishop of London. Such livings should be worth about eighty pounds a year, and number in all seventy-six or seven; but the poverty of the country, and the low price of tobacco, has diminished their value to scarce one half, and the parishes, as they pay their ministers themselves, have made it usage to obtain the right of presentation, or rather of not paying except to their own candidate, whether the Governor approves him or not. This should not be allowed, but the matter must be handled with great caution. As to military power, there is not a fort in the country defensible against any European force, or to be made defensible except at a vaster expense than the country can bear. I do not believe it possible to secure ships anywhere against a superior naval force, except by going so high up the rivers as that better ships will not think it fit to follow them. There may be fifteen thousand fighting men in the country, yet they count three hundred men an army royal.

As regards our neighbours, North Carolina is and always was the sink of America, the refuge of our renegades; and till in better order it is a danger to us. Maryland is now in torment, and not only troubled with our disease, poverty, but in very great danger of falling in pieces; whether it be that old Lord Baltimore's politic

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maxims are not pursued or that they are unsuited to this age. In a word, he is at this moment so far from being in a condition to assist us, that it is worthy of your prudence to take care, as well for Virginia's sake as his own; for without speedy remedy we shall both be involved in the same fate. As to the Indians, we are at present at peace with all, or at least at war with none, but there is no relying on them, and when we least suspect it we have, by long experience, found ourselves in most danger. Our tributaries may on the slightest occasion prove as bad as bandits, and though unable to contend with us, yet in our present circumstances they have power to ruin us. The foreign Indians, the Senecas, have this year greatly disturbed and frightened us, and in Maryland they have done more. They have certainly appeared armed and in an unusual way, and most certainly hate us all. But that which is more to us than all other things put together, and will be the speedy and certain ruin of the Colony, is the low price of tobacco. The thing is so fatal and desperate that there is no remedy; the market is overstocked, and every crop overstocks it more. It is commonly said that there is tobacco enough in London now to last all England for five years; too much plenty would make gold itself a drug. Our thriving is our undoing, and our purchase of negroes, by increasing the supply of tobacco, has greatly contributed thereunto. Free importation into Russia would revive our drooping spirits, for we want nothing but a vent. The Assembly has offered the King a petition on the subject, with the reasons here annexed. Pray see that it is answered. Meanwhile, in this great exigency and distress, I take the liberty to offer these few hints of remedies for that poor place:—(1.) To encourage the building of towns, and not only to confirm the Act in all things not prejudicial to the Customs, but to grant the penny per pound for some time to ships loading at the said towns. (2.) That the King should recommend to the next Assembly a juster manner of tax. (3.) That he would send to the country about 300*l.* in flax seed and hemp seed, and 500*l.* in coarse goods, to help them for this present, and put them in the way for the future. (4.) That he give strict orders to the next Assembly not to raise money by titheables, except only twenty pounds [? of tobacco] per poll. This will be in accordance with the wishes of several counties and of the Council; it can be raised by the Governor and Council without calling an Assembly, and being but a little will not be much felt. In place of titheables, an import duty on brandy and other liquors, or almost any other impost, would be preferable. (5.) That New England shall observe the Acts of Navigation as well as Virginia. (6.) To regulate appeals. (7.) To give strict rules for the improvement of the two shillings per hogshead. (8.) To permit the Government to raise the price of moneys, especially foreign, as they find cause. (9.) That the Colonies may be put in a better posture for mutual assistance. (10.) That no war or peace be made with the Indians without consent of the Government of Virginia. (11.) That no Assembly sit till my return or till the King's further order. (12.) To explain the clause of the soldiers paying their debts and

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quarters, &c.; the King to pay the passage home (according to promise) of such as desire to return. *Signed*, Tho. Culpeper. *Holograph*. 9 pp. [Col. Papers, Vol. XLVII., No. 105.]

[Dec. 12.]

320. Lord Culpeper's Instructions of 6th December 1679, with marginal comments against each article. *There is little that is not embodied in the report given in preceding abstract, except*: An estimate of the population of Virginia, viz., about seventy or eighty thousand, of which fifteen thousand servants, three thousand blacks, and the remainder free men, women, and children; and an estimate of the strength of the Indians, as follows: None of our neighbouring Indian nations can make above two hundred fighting men, except the Occanagees, about three hundred; the Tuscarores, towards Carolina, six or eight thousand, but these are peaceable; and the Senecas, a fierce and dangerous race, about four thousand. *The Instructions cover 42 pp., and the marginal notes are very full.* [Col. Papers, Vol. XLVII., No. 106.]

Dec. 13.
Council
Chamber.

321. Journal of Lords of Trade and Plantations. Sir George Downing attended. Being asked as to the proceedings of Lord Baltimore towards Nicholas Badcock (*see No. 317*), he explains that Lord Baltimore seems to be in error concerning the Acts of Trade, since he himself confesses that he hindered Badcock from receiving the penny a pound on tobaccos which were intended to be brought for Ireland. Agreed that Lord Baltimore be severely reprimanded for his erroneous opinion, that he be ordered to refund the two thousand five hundred pounds which Mr. Badcock reports to have been lost to the King thereby, and that he be given to understand that, unless he obey the Acts of Trade and Navigation, the King will direct a *quo warranto* to be issued against his Patent.

The Virginian Act for Cohabitation returned by the Commissioners of Customs. Agreed to report the whole matter to the King in Council. Lord Culpeper's instructions considered. Agreed that such Acts as he has omitted to repeal be named in his instructions to be repealed on his arrival in Virginia. Agreed to represent Lord Culpeper's request for flax seed to the King. The Lords agreed upon their report concerning Lord Culpeper's omission to execute the instructions concerning the declaration of the Virginian Assembly to Colonel Jeffreys, and concerning the re-instatement of Robert Beverley and Edward Hill (*see No. 319*). [Col. Entry Bk., Vol. CVI., pp. 318, 322.]

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322. Lords of Trade and Plantations to the King. We shall presently submit to your Majesty a draft of a new commission and instructions to Lord Culpeper. Meanwhile, we have received a report from the Commissioners of Customs on the Acts for Cohabitation and for the encouragement of Trade and Manufacture in Virginia (*see ante*, No. 318), and finding the Act impracticable we recommend that it be referred back to Lord Culpeper with directions to the Governor, Council, and Assembly of Virginia to frame something more practicable and less prejudicial to your

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Customs, and that meanwhile that portion of the Act which fixes the time of its operation for landing of goods and shipping of tobacco be immediately suspended. In your Instructions to Lord Culpeper of December 1679, you directed him to signify your resentment of a resolution of the Assembly submitted to Colonel Jeffreys. We find that Lord Calpeper has, by the earnest advice and petition of the Council, omitted to signify your resentment. But that such unwarrantable proceedings of the Assembly may not become a precedent, we recommend that, though you pardon the persons who offended therein, you direct by Order in Council that you wholly disapprove of this declaration of the Assembly, that it be razed from the Journals, that your Order aforesaid be registered in the Council's records, and that the Governor prepare a Bill to the Assembly condemning those proceedings, and indicating the right of your Majesty and your officers to call for all public records. Moreover, Lord Culpeper likewise suspended your instructions to exclude Robert Beverley and Edward Hill from public employment; and since he is satisfied that they are honest and able men, and did good service in the rebellion, we beg your instructions whether they shall be displaced or continued. *Signed, Anglesey, Albemarle, Clarendon, L. Jenkins. 3 pp. [Col. Entry Bk., Vol. LXXXII., pp. 3-6.]*

Dec. 13.

323. Minutes of Council of Barbados. Letter from the King to his Excellency read, directing him to swear Mr. Alexander Riddocke of the Council. Mr. Riddocke sworn accordingly. Mr. Samuel Husbands and Mr. John Hethersell of the Assembly attended and said that, being unable to make a House till late, owing to bad weather, the Assembly had adjourned till to-morrow. Meanwhile, the House desired answers to its addresses presented at last meeting, Heads of proposals made by the Governor and Council to the Assembly (*see Journal of Assembly of this date*). Order for payment of John Josephson passed.

Dec. 14.

Warrant for payment of Samuel Norris, gunner.

Dec. 15.

The Assembly brought up an address for a warrant for payment of John Higinbotham. The Governor consented. The Assembly's answers to the proposals of the Governor and Council: (1.) They will address the King for great guns. (2.) They will build a house of correction out of the excise on imported liquors when imposed, and (3) arms from the same fund. (4.) The repairs to Fontabelle shall be paid for from the public Treasury. His Excellency is desired to press the Commissioners for Fortifications to levy executions for payment in arrear under the last Act. Order for payment of Thomas Spiar passed. [*Col. Entry Bk., Vol. XI., pp. 472-478.*]

Dec. 13.

324. Journal of Assembly of Barbados. William Sharpe elected Speaker in the absence of Edward Littleton. Message from the Governor recommending to the consideration of the House to provide with all speed for forty-five pieces of cannon for the new forts, and four gunners and eight matrosses; also that the gunners and matrosses may, in future, be paid quarterly without trouble or

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expense to them for the solicitation of their money; also to provide (as they promised) for the building of a house of correction; also to provide that the arms of the foot regiments be according to the Tower standard; also that his Excellency may be reimbursed for the cost of repairs of Fontabelle to prevent it falling down which is about 300*l.*

Dec. 14.

Put to the vote whether the excise on imported liquors be now imposed, or suspended until the King signifies his pleasure as to the commutation of the four-and-a-half per cent., and carried that it be raised now. On the petition of Thomas Spiar, executor of the late John Stanfast, ordered that John Hallett pay him 206*l.* 5*s.* for eight months and eight days rent of Fontabelle. Address to the Governor praying his warrant for payment of his salary to John Higinbotham.

Dec. 15.

No quorum. Adjournment till 20th December. [Col. Entry Bk., Vol. XIII., pp. 458-463.]

Dec. 14.

325. Christopher Rousby to Colonel William Stevens, of the Council of Maryland. Yours of 2nd August came to my hand but yesterday, and by what ship I know not, but it is very welcome. Thanks for it and for all your kindnesses, especially for favouring, countenancing, and advancing that affair of His Majesty's with which I am concerned, and which poor Badcock signified to me but a week before he died. No doubt you have heard what pains Lord Baltimore has taken to ruin me in estate, reputation, and life by idle, malicious, and damnable false accusations to the Commissioners of Customs, the Secretary of State, and the Lord Privy Seal. I have answered all, and thank God am in a very fair way to be cleared and confirmed in my place to great advantage. Lord Baltimore's behaviour to Mr. Badcock in the case of the ships that came to Maryland in the summer with certificates of having given bond to sail for England, Ireland, Wales or Berwick, is very ill resented by the Lords of the Council, and his Lordship will presently receive a severe reprimand for opposing the King's interest and obstructing his affairs. Pray tell Mr. Howard that I have a strict charge not only from the Commissioners of the Customs but from the Commissioners of the Treasury to receive the King's duty of a penny a pound from all ships that bring certificates of having given bond here to return for England, Ireland, Wales, or Berwick. For though the Act of 22 & 23 Charles II., which enjoins the omission of the word Ireland, is expired, yet the duty is due by the Act of 25 Charles II. for all tobaccos for which bond is not given, to bring the same to England, Wales, or Berwick, or some plantation, and to no other place; so that now, if they pay their duty they may go directly for Ireland without touching in England, otherwise not. Please tell Mr. Ridgely that I am in great hopes and fair way to effect his business for his content. Thank God I have found good friends here, and though Lord Baltimore paints me as black as the devil, his calumnies will not take place according to his desires and unworthy clandestine dealing. The practice and proceeding here is very different, and I

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am surprised that he did not know it. All is open, fair, and clear, which has sufficed to unriddle his profound intrigues against me. I confess it has cost me much money, but I would not for twice the sum have remained in ignorance of what I now know, or have wanted the interest I have now gained. Our public news is the trial of Lord Shaftesbury for treason, on the evidence of a parcel of lousy Irish knaves. Strict charge has been given by the King to the justices about the laws and proclamations against Papists. Tobacco is most damnable low both here and in Holland. Mr. Ridgely had twelve hogsheads which I kept for the better, but, as it proved, for the worse market. It would hardly clear itself. Pray desire Mr. Howard to send me over a cock and hen of the wild turkey breed, and get some master of a ship to take care of them. *Copy 1 p. Endorsed with a certificate that it has been examined by the original in the hands of C. BALTEMORE. [Col. Papers, Vol. XLVII., No. 107.]*

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326. Lords of Trade and Plantations to the King. We have been attended by Lord Culpeper and the Muscovy Company to find out the best means of introducing the trade of tobacco into Russia. Lord Culpeper puts it forward as of the greatest consequence for the relief of Virginia, owing to the present glut of the tobacco markets. The merchants also favour it as extremely advantageous, but say that it is extremely difficult to bring about, tobacco being forbidden not only by the secular power but by ecclesiastical law. We therefore think the matter can only properly be entrusted to a Minister to be sent by you to the Court of the Czar. The settlement of this trade will not only recover the languishing condition of Virginia, but will much encourage your traders to Muscovy and increase your revenue. We think therefore that if you send an ambassador, this should be a principal object of his mission, and that in endeavouring to gain it he should not only represent to the Czar the advantages to his own treasury, but should apply himself also to the Ministers of the Court, and to the Patriarch with fitting arguments. And since by your instructions to Lord Culpeper you directed him to encourage the growth of hemp and flax in Virginia, we favour his suggestion that you would be pleased to advance him two or three hundred pounds to be distributed to fitting persons there that they may be able to undertake the production and manufacture. *Signed, Anglesey, Clarendon, L. Jenkins. 1½ pp. Inscribed, "This Report being read in Council the next day it was ordered that it should be further considered."* [Col. Papers, Vol. XLVII., No. 108.]

Dec. 15. **327.** Draft of foregoing, with corrections. *Endorsed.* Entered Book of Trade, p. 314. [Col. Papers, Vol. XLVII., No. 109.]

Dec. 15. **328.** The Commissioners of Customs to Lords of Trade and Custom House. Plantations. In obedience to Order in Council of 30th June last (*see ante*, No. 151) we have called before us Christopher Rousby, and enquired into the charge made against him by Lord Baltimore.

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We have also received his answer and also a former answer made by him to similar complaints by Lord Baltimore. But as there are no particulars transmitted upon the points complained of, nor any proofs of the same, we think that it would be much to the King's prejudice and to the discouragement of the officers of the King's Customs in Maryland if they should be removed or dismissed upon such terms. We therefore request that Rousby may be returned to his charge and a letter written to Lord Baltimore desiring him that if in future he shall have any cause of complaint against Rousby, he shall first give him a regular charge thereof and receive his answer, and then transmit both accusation and reply to us, together with the proof thereof, to save loss of time. *Signed,* Charles Cheyne, G. Downing, W. Butler. $1\frac{1}{2}$ pp. *Annexed, a list of the following enclosures.*

328. i. Christopher Rousby to the Commissioners of Customs.

Having received a copy of a letter of complaint against me written by Lord Baltimore of 29th April, I present the following answer. The whole charge is general, without any particular circumstance, so I can but return a general reply; if his Lordship had acquainted me with the substance thereof before my departure from Maryland, which had been but reason, I should have been better able to vindicate my innocence. His Lordship says that he had by two shippings sent letters to you, but fears that by some misfortune they are miscarried; he adds that he is almost sure that they were put into my hands and never carried out of the province. I answer that the letters were never in my custody, nor was it in my power to stop any man's letters, much less his Lordship's. I suppose he has not forgot by what ships they were sent, and can easily require the master to account for them. It was not difficult for him to have sent duplicates, as is usual, particularly if he suspected interception. As to my proud carriage towards West country men, and New England traders and his Lordship's officers, I cannot understand to what he refers, and can only say that to the best of my judgment I have borne myself with all respect to his Lordship, as I was bound in discharge of my duty. As to the charge of exacting fees from masters of ships in entry and clearing, and the allegation that a crown a vessel is the least that they escape with, and that they are forced to give me presents for their despatch, I deny that I ever demanded or suffered those under me to demand one penny except from masters that came from other plantations or who produced no certificate, and were therefore obliged by law to enter into bond of navigation there; though I never took a farthing myself, I confess that I allowed my clerk to demand two shillings and six-pence from masters of small vessels and from others, where there were more entries outward, five shillings. But where one master paid, three did not, and I can

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safely say that all receipts on that score never amounted to thirty shillings in any one year since I had the employment. But I am informed, that if I had taken what was justly due it would have been much more. I utterly deny again that I ever detained any ship, but where I thought it absolutely necessary for the King's service. I do not believe that there is a man who will say that he was threatened or stopped by me or by any under me on the score of making me a present. As to what is alleged against me of receiving certificates from masters of ships of their having given bond in England, and not suffering them to carry the same to Lord Baltimore's collectors, I answer that when his Lordship was last in England, he left his lady's son, a very young man, to be his collector, who trusted the business to a young Irish fellow, his clerk. Now I had occasion to see some certificates, which were said to be left in their hands, in order to make up my accounts, but when I asked for them they could not be found. I asked Mr. Thomas Notley, then Governor and now deceased, to tell them to be more careful, whereupon he desired me from that time forth to take the certificates from the masters into my own custody, and certify from time to time under my hand to Lord Baltimore's collector that the masters had produced and left such certificates with me. He assured me that it would be kindly looked upon by my Lord, and taken as a very good service to him. I therefore pursued this course until his Lordship returned from England, when, seeing the method, he told me he liked it very well. I therefore pursued it two years longer, during all which time he never said a word against it. Nor was this one farthing benefit to me, or any under me; on the contrary, besides the trouble, I was put to considerable charge for the entertainment of masters. As to the charge of endeavouring to prevent any master from making entry with Lord Baltimore's collector till he had satisfied my unjust and unreasonable demands, I absolutely deny it; nor do I know what his Lordship means by my "unjust and unreasonable demands." I confess I tried to prevent ships that came from other plantations or England without certificates from being entered and permitted to trade by his Lordship's collector before they had satisfied the law and your Honours' instructions. This, it seems, troubles his Lordship and makes him add that, if he suffered me to proceed, no ship would be able to trade without my leave. I do not deny that some New England ships have left the provinces because I looked strictly that they should obey your Honours' orders; and this his Lordship is pleased to call my proud, haughty, and insolent humour. But I deny that he has ever spoken to me about this ill-carriage of mine, much more that I ever used such irreverent

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language towards him in the Government as he suggests. As to the allegations about my wicked life, profane language and debauchery, and that when on board London ships my common discourse was treason, I thank God that my life was never so wicked as to commit any treason against my Sovereign. I wonder that his Lordship makes this charge, for which, if true, his prudence, justice, and loyalty would not have suffered me to go unpunished. But he was not the man that ever accused me of such a thing in Maryland, though my name was set up at the Court-house there (as the manner is) for about four months before I came away. And since his Lordship affirms that treason is commonly spoken by me on board London ships, I wish he had specified the words and named the ships, that the masters and officers might have been examined to acquit or condemn me. Your Honours can hardly imagine that, if I were such a person as his Lordship describes, I should be so foolish as well as wicked as to speak treasonable words aboard London ships, whose commanders would be equally guilty with me if they did not immediately apprehend or accuse me in England, which they have not done. This, I think, clears my innocence of this charge. As to his Lordship's term of rogue, rascal, &c., I pass them by as a matter of course. I confess that I received my commission as Collector of Customs in Maryland on the particular recommendation of Lord Baltimore for which I have returned him all due respects. And, if I mistake not, his Lordship has not charged me with the least breach of trust in my employment, nor with any neglect or omission of your commands, which I hope I have fulfilled to your content. I am confident that till you find me guilty of some misdemeanour you will not think fit to move me to make room to Mr. William Diggs, son-in-law to his Lordship's lady, and I am sure that my zeal in my office will in the end appear to be my greatest crime. I will only add that I think the King will be better served by men who derive no part of their powers from his Lordship than by his Lordship's collectors, because Lord Baltimore's eye will not be so likely to overawe them to promote the interest of himself and of his province.

Signed. 2½ closely written pages. Endorsed.

328. ii. Christopher Rousby to the Commissioners of Customs. In obedience to your orders I present the following answer to Lord Baltimore's letter of 28th April (*ante*, No. 1511). 1. His Lordship says that he has had great cause of complaint against me for two years and has written to you, but that I have intercepted the letters. I utterly deny this and would refer to my answer to his letter to you of 29th April (*see preceding abstract*). 2. His Lordship says he may term me a devil, for I have carried myself with

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such pride that I have driven West countrymen and New England traders from Maryland. I affirm that I have to the best of my judgment borne myself with due respect to all men. As I said in former letter some New England men may have quitted the trade which they long had there, which trade was, in truth, to load tobacco and carry it whether they pleased without paying any customs at all. The departure of these illegal and irregular traders will be no loss to the King's revenue, but the contrary ; for the tobacco left by them will be brought to England, Wales, and Berwick, as it has been for the last two years, and consequently will pay the King's customs. Simply because I set myself to reduce all traders in the province to compliance with the law (which was the reason of my employment), Lord Baltimore tries to persuade my Lord Privy Seal that I have been guilty of a crime, and that I ought to be displaced to make room for his lady's son-in-law. 3. I deny all imposing or exacting of fees, as alleged, and I deny that I ever forewarned masters of ships from entering with Lord Baltimore's officers. I confess that when vessels came from other plantations, or without certificates, I always advised his officers to refuse permission to trade till they had entered into bond to take their tobacco to some other plantation in England and Wales, or paid a penny a pound. But I deny that I ever called this, as is alleged, a duty to myself. 4. I also deny that I hindered masters of ships from carrying their certificates to his Lordship's officers, except as set forth in my other letter. I deny also that I ever pretended other powers than those conveyed in your commission, or went about to wrest its terms from their natural sense. I confess that I have always treated your Honours' instructions with awful respect, and it may be that Lord Baltimore accounts the due execution thereof disservice to his Government. I deny that I ever used such terms as that I cared not how much I prejudiced the King's service so as I might advance my own fortune. No one but a fool or a madman could have spoken such idle words. I deny, too, that any of Lord Baltimore's officers came to call me to account as is suggested, or that he ever acquainted me, before I left the province, with the matters now charged against me. As to the charges of debauchery, lewdness, and villainy, it is a way of writing made easy to his Lordship by his practice in all his letters of complaint against the late Mr. Nicholas Badcock, the late Surveyor and Controller there, as also against myself, whereby he hopes to render us too infamous to be capable of employment. He has no cause nor ground for the same, but hopes that by casting much dirt, some will stick, to work his ends against me. As to the charges of treasonable language, had I been guilty as is pretended, his Lordship would probably have questioned

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me before I left his Government and not have let me go unpunished and unquestioned, though he knew of my intention to leave three months before I left. I sailed on the 11th May last, and his letter is dated a fortnight earlier, all of which appears by the enclosed affidavits. As to his Lordship's importunate begging for my removal, it is evident that he wishes to place all the offices of Collectors and Surveyors in Maryland in the hands of his own creatures, and I therefore hope that his accusations will be construed accordingly. Lastly, his Lordship seems to infer to the Lord Privy Seal that the practice of Virginia, where the same man collects the two shillings a hogshead and the penny a pound, should be followed in Maryland. The two Colonies are totally different. Virginia is under the King's own Government through his own immediate Governor; all writs run in his name, and the two shillings a hogshead belongs to him as well as the penny a pound. But Maryland is Lord Baltimore's province, the writs run in his name, the two shillings a hogshead are his Lordship's, and the King has no officer but the two connected with the penny a pound. To rid himself of both, his Lordship has brought grievous complaints against Mr. Badcock as well as against me; thus it is manifest by Mr. Badcock's letter of 10th July (see No. 166), written shortly before his death, that he did nothing but his duty, that he was most unjustly accused, and that Lord Baltimore's opposition injured the King to the amount of two thousand pounds. It is easy to see what most excellent service would be done for the King in Maryland without any noise if Lord Baltimore could procure the two places for his lady's sons. *Three closely written pages.* *Endorsed.*

- 328. III. Affidavit of Gerard Slye, shewing that Christopher Rousby made no secret of his intention to return to England, that his name was posted up in the Court-house, that he obtained a pass to depart from Secretary William Calvert, that he went to say farewell to Lord Baltimore two days before his departure, though his Lordship would not see him, and that he sailed in the ship Globe, Samuel Groome, master, on 11th May 1681. Sworn before Thomas Raymond. 23rd September 1681. 1 p. *Endorsed.*
- 328. IV. Affidavit of Jane Slye, to the effect that Rousby's projected departure was well known. Sworn as the foregoing. 1 p. *Endorsed.*
- 328. V. Affidavit of John Lynes, master of the ship Friends Increase, to the same effect. Sworn as the foregoing. 1 p. *Endorsed.*
- 328. VI. Affidavit of Robert Tout, planter of Maryland, to same effect. Sworn as foregoing. $\frac{1}{2}$ p. *Endorsed.*
- 328. VII. Affidavit of William Johnson of London, merchant, lately on a visit to Maryland, to same effect. Sworn as foregoing. $\frac{1}{2}$ p. *Endorsed.*

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328. viii. Order from Philip Calvert to Christopher Rousby to pay money in London, and wishing him a pleasant voyage. *Dated 6th May 1681.* Handwriting attested by Gerard Slye, and attestation sworn as the foregoing. 1 p. *Four endorsements.*
328. ix. "The Case of Christopher Rousby, Collector of His Majesty's Customs in Maryland." Lord Baltimore, wishing that no person but his own creatures may be employed in the King's Customs in Maryland, has taken the following measures, viz.—(1.) He has brought several complaints against Christopher Rousby, and being unable to conceive why Rousby should go to England except to clear himself added a clause that he discoursed treason on London ships. He first asked that Rousby's place might be given to his son-in-law, Captain Diggs, but presently waives Diggs and substitutes another of his lady's sons-in-law, Philip Calvert. (2.) Rousby has answered all the charges in writing, and is surprised that no mention of them was made to him before he left Maryland. (3.) Rousby, on obtaining copy of Lord Baltimore's letter of 28th April from Sir L. Jenkins, answered that also, and then on Sir L. Jenkins's advice petitioned to the King who referred the matter to the Commissioners for the Treasury. (4.) Soon after, Rousby heard that Lord Baltimore had supplemented his charges by a pretended affidavit from Vincent Lowe, his lady's brother (*see ante, No. 128*), of which he obtained a copy. (5.) The Commissioners of the Customs have reported upon the whole matter, and recommended that Rousby should be returned to his office. (6.) Rousby denies Lowe's statement and has made affidavit to that effect. He adds further that if Lowe made any such statement he must have been drunk, which was nothing unusual with him. He would point out again the remarkable fact that Lord Baltimore let him leave the Colony without any question as to these charges. (7.) Rousby would call attention again to Lord Baltimore's accusations against Mr. Badcock, and his request that Badcock may be turned out to make room for Nicholas Sewell, his lady's son. *One large closely written sheet.* [Col. Papers, Vol. XLVII., No. 110, 110 I.-IX., and Col. Entry Bk., Vol. LII., pp. 72-74, without enclosures.]

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329. Journal of Lords of Trade and Plantations. Report on the Act of Cohabitation and other Virginian matters approved. The Muscovy Company, which attended on other business, was called in, and Lord Culpeper moved the Lords to find some way of opening a trade for tobacco within the Emperor's dominions. The Company stated the difficulties, and added that the patriarch and favourite of the Czar must be persuaded by fitting arguments to permit the use of tobacco in the country (*see No. 326*). [Col. Entry Bk., Vol. CVI., pp. 324-325.]

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Dec. 17.
Council
Chamber.

330. Journal of Lords of Trade and Plantations. A journal of proceedings in the Government and an account of the condition wherein he left the Colony were presented by Lord Culpeper (*see No. 319*). Agreed, on his recommendation, to suggest Colonel Bird as a member of Council. Agreed also that the Governor of Virginia endeavour to substitute an impost on imported liquors from the present tax of titheables.

Secretary Jenkins informs the Lords that the King, being willing to gratify Captain Charles Morgan, refers to them the question whether according to the usual methods of government, and without altering the powers granted to Sir Thomas Lynch, he can grant a commission to him to command Charles Fort in Jamaica. The Lords seeing that the appointment of all officers is by the King's Commission vested in the Governor, and knowing of no precedent to the contrary, are of opinion that it will be more convenient for Secretary Jenkins to recommend Sir Thomas Lynch to grant the said commission to Captain Morgan. [*Col. Entry Bk., Vol. CVI., pp. 326-327.*]

Dec. 17.
Council
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331. [William Blathwayt] to Lord Craven. With reference to my letter of 27th July (*ante, No. 193*) respecting the boundaries of Carolina and Virginia, the business will be considered by the Lords of Trade and Plantations on Tuesday next. *Draft with corrections.* $\frac{1}{2}$ p. *Endorsed*, "To my Lord Craven concerning the boundaries of Carolina." [*Col. Papers, Vol. XLVII., No. 111.*]

Dec. 20.

332. The Lords Proprietors of Carolina to Lords of Trade and Plantations. We have received an Order of the Assembly of Virginia of 3rd July for the levying of rents on the inhabitants of Blackwater and Currahtuck. The matter is easily settled by a view of our Patent, wherein the boundaries of Virginia and Carolina are exactly set down, viz., extending northward and eastward as far as the north end of Currahtuck river; upon a straight easterly line to Wyanoke Creek, which lies within or about the degrees of thirty-six and thirty minutes north latitude, and so west in a direct line as far as the south seas. So that there can be no further dispute in the affair if you will send your orders to the Government of Virginia requiring them to appoint Commissioners to meet Commissioners from us at Currahtuck in July or August next, to adjust the boundaries as far as Wyanoke Creek. We do not think that Virginia can take exception to so fair a method. 1 p. *Unsigned.* *Endorsed.* Read 20 Dec. 1681. [*Col. Papers, Vol. XLVII., No. 112.*]

Dec. 20.
Plymouth.

333. Sir Thomas Lynch to John Cooke, Whitehall. I have been here eight weeks, and have not importuned you with mine, expecting to be gone every day, and judging that I ought not, except on pressing occasion, to trouble a man so full of affairs as Mr. Cooke. Otherwise I had sooner desired you to let me know if you have had anything from our friend Sir William Godolphin about my pretension at Madrid, or whether Sir Harry Goodricke

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has written anything to Mr. Secretary. I have presumed to write to Mr. Secretary twice since I came, once about Mr. Banckes, once about the commissions issued by the French Governor of Tortugas. I have lately understood from an acquaintance of Captain Charles Morgan in London that he there makes great parade of his interest at Court, and designed to have the King's commission as Governor of the Castle of Port Royal at Jamaica. I shall wonder if this be pretended, though the young man be wild and inconsiderate enough, because when I was first sent for by Mr. Secretary I sent for him and assured him of my friendship, and his continuance afterwards gave him leave to stay till Knapman came. So far was I from any thought of removing him that last week I wrote Colonel Beeston to speak to Colonel Morgan to bring cartridge paper for the fort with him; so that it seems to be rather his desire to affront me than fear of losing his command that makes him make this application. I suppose Mr. Secretary will understand it so, and that if I am so imposed on at my entry into this employment it will be impossible for me to effect what is expected of me; for much depends on my credit here, and the setting up of this man in this trifling employment will be the setting up of a party against the King's Government. Besides, I suppose Mr. Secretary knows as well as you the hard terms I go on, and since the Governor and Captain of the Forts has nothing, and is no more than a militia officer of the country, it would be inconvenient to appoint him here, whence he has nothing, and a thing unthought of in any Government. It will have such a train of ill consequences that I believe Mr. Secretary will not advise the King to do anything in it; and I hope he'll make the young man know he is indiscreet and ungrateful in mistrusting my promise, in endeavouring to maim the Government, and in making other application than to himself, whose recommendation would have obliged me to continue him, even though I had removed him, which is a thing I never thought of, for his father's and relations' sake. I beg you to discourse Mr. Secretary in the affair if you think it needful. I hope from his prudence and justice that favour which will enable me cheerfully to do my duty, and the more for that I have near him such a friend as Mr. Cooke. *Holograph.* 2 pp. [Col. Papers, Vol. XLVII., No. 113.]

Dec. 20.
Council
Chamber.

334. Memorandum of Lords of Trade and Plantations. The Lords having reviewed all that has passed concerning the Bermuda Company in reference to the *quo warranto*, do not think it necessary that any further order should be sent to the Islands until the *quo warranto* be determined, which in their opinion should be vigorously prosecuted by the Attorney-General, as a thing highly concerning the King's service. $\frac{1}{2}$ p. [Col. Papers, Vol. XLVII., No. 114, and Col. Entry Bk., Vol. XVII., p. 98.]

Dec. 20.

335. Memorandum of Lords of Trade and Plantations. By the King's letter of 30th November it is ordered that the debts and quarters of the two foot companies in Virginia shall be fully

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satisfied ; whereby they will have nothing left for their maintenance and will be forced to sell themselves as servants in the country. Their Lordships will therefore beg that the order shall be so explained as to save them from this (see No. 341). [Col. Entry Bk., Vol. LXXXII., p. 7.]

Dec. 20.
Council
Chamber.

336. Journal of Lords of Trade and Plantations. The remainder of Lord Culpeper's journal and report read. Agreed on his suggestion to suspend that part of the Cohabitation Act which concerns the time of its operation for regulating the landing and shipping of goods, and to move the Assembly to pass a better Act. A new instruction to Lord Culpeper ordered, directing him to press in the next Assembly the settlement of a more equitable system of tare in the commodities exported from Virginia ; also to endeavour to change the present imposition on titheables for a duty on brandy or other liquors, which may be appropriated to the uses of the Government, except only the twenty pounds [of tobacco] per poll to be raised by the Governor and Council, for which he will endeavour to obtain the concurrence of the Assembly. As to the regulation of appeals, Lord Culpeper will study the methods of other plantations and recommend what he thinks best. As to the raising the price of foreign coins, as suggested in the address of the Assembly, the Lords order an instruction to be prepared, leaving it to the discretion of the Governor and Council to enhance the price of foreign coins by proclamation as they shall see cause, except what shall be given in payment of the duty of two shillings per hogshead and of other duties payable to the Government, which shall all be paid in sterling money and according to the same value as formerly. As to peace and war with the Indians, the Lords think it is of dangerous consequence that every distinct Governor is allowed discretion to do as he thinks fit, without obtaining the consent of others ; but as this discretion is already granted by charter, they see no better remedy than that the intent of an Order of Council of December 1677 be pursued, whereby all Governors and Proprietors may be directed not to make peace or war with the Indians without the consent and participation of one another. As to Lord Culpeper's suggestion that no Assembly may be called until his arrival or till further order, the Lords leave it to him to submit the question, as also that concerning the payment lately ordered to the soldiers in Virginia, to the King in Council as he shall think fit. The Lords explain the meaning of the King's order for payment of the soldiers (see No. 341).

The Lords consider what has passed in relation to the Bermuda Company and to the *quo warranto* directed against them. It is again proposed by Lord Finch that the King's orders may be signified to the inhabitants that they continue to obey the Company and its officers till the *quo warranto* be determined. The Lords, considering that the Company refused formerly to refer the dispute to the arbitration of the Committee, see no reason for making any such order in its favour, and in reporting thus to the King will recommend that the Attorney-General be directed to prosecute the

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quo warranto with the utmost care, as a matter of high concern.
Mem.—Lord Culpeper being present says that he touched at Bermuda on his return from Virginia, and found that there was no use there of the Book of Common Prayer, but rather a prohibition thereof; also that the people were much divided against themselves and in very great disorder. [Col. Entry Bk., Vol. CVI., pp. 327-31.]

Dec. 20. **337.** Minutes of Council of Barbados. Samuel Husbands, Richard Seawell, and John Davies, of the Assembly, brought an address of thanks to the Governor for his promise of a favourable reply to their address. Declaration of the Council, that the Assembly's address of 5th October (*see No. 251*), respecting sundry affairs connected with the Grand Sessions, and stating in particular that the Governor had imposed fines without consent of Council, was made without the knowledge or approbation of the Council. John Davies and John Hethersell, from the Assembly, informed the Governor that they had no business finished to bring him this evening.

Dec. 21. Order for the vestries of the several parishes to prepare a full report on the charities existent therein against the meeting of the Council on 24th January. The Assembly brought three addresses, as to one of which his Excellency asked for explanation (*see following abstract*). The Council replied to the Assembly's explanation that they do not see how the fines can be disposed of except as directed in the Acts, and cannot see that they are appointed for the fortifications, as the Assembly seems to suppose. Request to the Assembly to form a joint Committee to prepare an address to the King on great guns. Instructions to the Councillors appointed to meet the Assembly in joint Committee, including an order to remind the Assembly that it is not to join the Council in any of their addresses without preliminary conference and concurrence; and a warning that the Assembly's Bill for defining freeholders has been rejected. Joint address to the Governor, praying to forward the address to the King.

Dec. 22. The Assembly brought up its Bill for a duty on imported liquors (*see following abstract*). The Governor's speech to the Assembly (*see No. 345*). Adjourned to 4th January 1682. [Col. Entry Bk., Vol. XI., pp. 479-99.]

Dec. 20. **338.** Journal of Assembly of Barbados. William Sharpe elected Speaker. Address to the Governor, asking for a reply to past addresses. Address asking for issue of sums raised for fortifications to the Treasurer, and for appropriation of fines and forfeitures to the same purpose. Address to the King asking for great guns, and to the Governor requesting him to forward that address.

Dec. 21. Debate on the duty on imported liquors. Details settled and ordered to be embodied in a Bill. Message from the Governor asking to what laws the Assembly refers in its message about fines and forfeitures. Answer of the House, giving the names of three Acts. The Assembly having voted the duty on imported liquors

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for three months, the Governor informs them that he is directed to require it for one year. Put to the vote whether the time be altered or the subject further considered, and carried for further consideration. Message from the Council desiring a Committee of the House to meet its own Committee to draw up an address to the King for great guns. Richard Guy, John Davies, Samuel Husbands, John Codrington, and James Walwyn appointed. Address to the Governor asking him to favour the address to the King. Debate on the Bill for duty on imported liquors; passed unanimously that it be for three months and no more. Voted that the Governor be informed that the House will be ready to carry it on from three months to three months according to the accustomed form, and desires to know if he accepts it or no.

Dec. 22.

On petition of Thomas Walrond and Elizabeth his wife, ordered that the Treasurer pay him the rent of Fontabelle at the rate of 300*l.* a year. Address to the Governor presenting the Bill for duty on imported liquors limited to three months. His Excellency replied that his instructions forbade him to pass such an Act for less than a year's continuance. The Assembly retiring prepared an answer saying that they could not, in discharge of their duty to the people, comply with the Governor's limitation of one year; but, being able and willing to make some other provision for raising the money, appointed John Davies, Samuel Husbands, and Richard Seawell to be a Committee to draw up a Bill for that purpose. The House at noon adjourned to the house of Judith Sparrow, widow, and at three o'clock adjourned to 24th January 1682. [Col. Entry Bk., Vol. XIII., pp. 463-70.]

Dec. 21.
Whitehall.

339. Order of the King in Council. Approving the report of the Lords of Trade and Plantations of 13th December (*see ante*, No. 322) respecting the Virginian Act for Cohabitation and for encouragement of Trade and Manufactures, and directing the Governor of Virginia to declare his pleasure therein according to that report. *Signed*, Francis Gwyn. 1 *p.* [Col. Entry Bk., Vol. LXXXII., pp. 8, 9.]

Dec. 21.
Whitehall.

340. Order of the King in Council. Approving the report of the Lords of Trade and Plantations respecting the declarations presented by the Assembly of Virginia to Colonel Jeffreys, and directing the recommendations therein contained to be carried out (*see No. 322*). [Col. Entry Bk., Vol. LXXXII., pp. 10, 11.]

Dec. 21.
Whitehall.

341. Order of the King in Council. On report of the Lords of Trade and Plantations, ordered that a letter be prepared to Sir Henry Chicheley and other persons appointed to pay off the two foot companies in Virginia, informing them that the debts and quarters ordered to be paid in the King's letter of 30th November last be understood of debts contracted for their quarters, and of no other debts whatever beyond the settled allowance of the said quarters. *Signed*, Francis Gwyn. $\frac{1}{2}$ *p.* [Col. Papers, Vol. XLVII., No. 115.]

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Dec. 21.
Whitehall.

342. The King to Sir Henry Chicheley, Nicholas Spencer, Nathaniel Bacon, and Philip Ludwell, or any other of them. Ordering them to pay the debts and quarters of the two companies before any payments and allowances whatever, for the full satisfaction of those who have entertained them, and defining debts and quarters as in preceding abstract. [Col. Entry Bks., Vol. LXXXII., pp. 7, 8, and Vol. XCIX., p. 95.]

[Dec. ?]

343. Petition of George Hannay to the King. Having obtained letters patent for the office of Provost Marshal-General of Barbados where he had been Deputy Provost for many years, he offers for consideration the great necessity of a common gaol in the island which has been wanting for some years. The Assembly has declared that the duty of 4½ per cent. was given for that and other public uses. Suggests that the fines, forfeitures, and escheats arising there on offenders would accomplish that object; prays for directions. [Col. Papers, Vol. XLVII., No. 116.]

Dec. 22.

344. Memorandum of Lords of Trade and Plantations. That the Report of 13th December (*ante*, No. 322) was approved except so far as concerns Robert Beverley and Edward Hill. Sir John Berry to be summoned and the complaints of the Commissioners again examined. Col. Entry Bk., Vol. LXXXII., p. 6.]

[Dec. 22.]

345. Governor Sir Richard Dutton's reply to the Addresses of the Barbados Assembly (*see ante*, No. 251). I have considered both addresses and your answer to my late proposals, and think myself obliged to make you this return, that you may see on what mistaken grounds your suppositions are founded. You tell me that you have addressed me on behalf of yourselves and the rest of the King's loyal subjects. Had it been only for such, I should have been quick to gratify you consistently with my duty and honour to the King, for I cannot bear to make his Government uneasy, but rather happy to us both; and it shall not be my fault if it is not so. Then you propose that the Courts of Chancery and King's Bench should be public and the Councillors sworn. You have evidently forgotten the qualifications and oaths under which these gentlemen already are, viz., to advise me in nothing but what is loyal, just, and honest, otherwise you had not obtruded so disobliging and disingenuous a thing upon me, which you never attempted with any of my predecessors. As to publicity of the debates and resolutions, I think that, if granted, it would not be grateful to you, it being an innovation (which you seem greatly to fear) never customary nor practised in the Island. Did I believe that it were better, which I am assured it is not, since I and the Council, having no legal training, are not quick to arrive at resolutions, I should not hesitate to prefer it. As to the Bills, which at present lie under consideration of a Committee of Council, I do not think it seasonable to answer you at present. When they are passed by the Council (whose debates and resolutions I never have interrupted, nor shall interrupt) and submitted to me,

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I shall, without using the Council as a screen, give you frankly my resolutions, if, in my judgment, they are for the King's honour and the good of this famous Island. And now I must tell you that I think it not candid dealing for you to suggest that you are unkindly used by me in that all the Bills you have presented to me are not passed without further consideration, as though all legislative power lay in yourselves. The Committee of Council has sent you down many Bills of great importance, which you have either contemptuously laid aside or so changed that they could not be recognised.

As to your other addresses I held a Court of Gaol delivery by virtue of the King's commission, wherein all justices of the peace are in duty bound to attend me, not under the qualification of Councillors, Assembly men, or judges as you seem to suppose. Should any have failed to attend I should not have been wanting in respect to the King's commission, but should have fined them at my discretion according to the law and practice of England, by which I must be guided. You have no law declaring the contrary, only a pretended custom which you are not able to make appear. All my predecessors in this Government since the Restoration issued commissions of gaol delivery, omitting the greater number of the justices of the peace as they thought fit, as in the time of the Lords Willoughby. That you concern yourselves to speak for the Council and Judges (who are not of your body), or undertake to say that they did not concur in the method of passing sentences and imposing fines is a great presumption in you. I expect and require of you to give me an account how you came by such information, if such you had, and, in default, I must look on your assertion as a scandal to the administration of justice and an aspersion on the Council. As to the fines that I have imposed, I shall levy them as speedily as possible for the King's advantage, my proceedings being according to law. While your addresses relate to the public concern I shall embrace them with cheerfulness, but when you address me on the petition of every person (though his suggestion be never so false, as in the case of Binckes) (*see ante*, No. 165), and interfere in things you are not concerned with, merely to insinuate into credulous people's ears that you are specially careful of their rights, as though I was not impartial in administration of justice—that is an imposition to which I shall not submit. You assume, to my admiration, a power of settling a committee of grievances wherein you exceed the power granted by His Majesty to the kingdom of Ireland, and I only wonder that you do not the same with a committee of privileges. I never heard that the King had granted you a new magna charta, though you dispute all his commands as though he had, so I tell you plainly that those who obstinately oppose their prince's commands (as you apparently do on all occasions) would, if they had power and opportunity, as confidently make war upon him. I cannot pass over your discontent that the King should, by his commission, have empowered me to suffer no public money to be issued from the Treasury without my own warrant, as if he had done you

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some injustice in not first asking your advice. It is an insolence beyond expression to imagine that the King should be bound up by the petulant and factious humours of some ill men among you (for I do not condemn all) to lessen or enlarge his Commission. Besides, you forget that this same power in my commission limits me to the issue of moneys for such uses as are specified in the Act for raising it. One thing more. During all your several sessions you have never taken one step to the reduction of the people to their religious duties, which has always been the practice of a Christian Assembly before this.

Gentlemen, I am not to be deluded with elegancies and words. I have lived long enough to know the cheat of it. I judge of men's inclinations by their actions. When I see any tendency in you to dutiful compliance with the King's commands or to any measure for the public good—for so far you seem by your actions to repent of any steps in that direction, and to have injured the prosperity and credit of the Island, all of which might be set right if a factious disposition were not so prevalent among you—when I see these things reformed, I shall be ready to meet you with all kindness. But without such reform it will be impossible for us to continue much longer in friendship. *Copy.* 6 pp. *Endorsed.* [Col. Papers, Vol. XLVII., No. 117, and Col. Entry Bk., Vol. XI., pp. 493–499.]

Dec. 23.
Council
Chamber.

346. Journal of Lords of Trade and Plantations. Several Acts of Assembly and Orders of Council from New Hampshire read (*see No. 98 i.*). The Lords being dissatisfied both with the style and matter of them, will offer to His Majesty that they be wholly rejected, that the same method of passing laws be used in New Hampshire as in other Colonies, and that the laws of England be in force except where any particular local circumstance requires alteration in them. And since the people of New Hampshire have taken upon them to dispose of and confirm lands to themselves, the Lords think fit to set aside all such laws and reserve the determination of titles of land to the King. On the whole, they will report that the whole proceedings of the country have been so irregular that it will be necessary for the King to send some person with a Governor's Commission to settle the country.

The Lords, seeing that an order is given to pay the two companies in Virginia till the 1st of January only, think that this may cause a mutiny for want of the full pay due to them. [Col. Entry Bk., Vol. CVI., pp. 332, 333.]

Dec. 23.
London.

347. Lord Culpeper to Sir Henry Chicheley. I am so pressed for time that I have hardly enough to tell you that all Virginian affairs were settled by the Committee on 21st instant. You will hear more by a later ship, but, meanwhile, the King instructs me to order you to call no Assembly, except on urgent occasion and with the consent of seven of your Council, till 20th November. I shall return to you before that day. You will be infinitely surprised at the disbanding of the companies, still more at the

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reducing of the pay of the officers, allowing them nothing after next January, and refusing them a passage home. As to the soldiers' short pay, there is no hope of altering it, but it is resolved that the Golden Fortune, which sails 4th January, shall bring pay to the end of March at the reduced rates, at least for quarters, and that masters of ships shall receive one pound a head for each soldier that they bring home. You will receive something extraordinary about the Act for Towns very soon. Meanwhile, the King has suspended the execution of anything prejudicial to the Customs. I desire your utmost kindness in the matter of my company in giving certificates, licenses of absence, sickness, &c. It is all the benefit you and I are like to have. You may communicate this to the Council. *Entered in the Minutes of Council of Virginia with the words : "The rest could not be read."* [Col Entry Bk., Vol. LXXXIV., pp. 113, 114.]

[Dec.]

348. Report of John Lewin on the Government of New York. Describing the irregularities which he found under Sir Edmund Andres, John West the Secretary, and Captain Dyre, and the abuses by which they had enriched themselves at the expense of the Duke of York. *4½ large pages.* Printed in *New York Documents, Vol. III., pp. 302-308.* [Col. Papers, Vol. XLVII., No. 118.]

Dec. 27.

349. List of the principal Officers of Maryland :—

Council.

Philip Calvert, Chancellor, Roman Catholic.
 William Calvert, Secretary, Roman Catholic.
 Vincent Lowe, Surveyor General, Roman Catholie.
 Henry Darnall, Roman Catholic.
 Henry Coursey, Protestant.
 Thomas Tayler, Protestant.
 William Steevens, Protestant.
 William Diggs, Protestant.
 Benjamin Rozer (who died in June last), Protestant.

*Colonels commanding the Foot Forces in the ten Counties
of the Province.*

Colonel William Chandler, Protestant, Charles County.
 Colonel William Calvert, Roman Catholic, St. Mary's County.
 Colonel Henry Joles, Protestant, Calvert County.
 Colonel William Burges, Protestant, Ann Arundel County.
 Colonel George Wells, Protestant, Baltimore County.
 Colonel Henry Coursey, Protestant, Cecil and Kent Counties.
 Colonel Vincent Lowe, Roman Catholic, Talbot County.
 Colonel William Colebourne, Protestant, Dorchester and Somerset Counties.

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Colonels of Horse.

Colonel William Steevens, Protestant, Dorchester and Somerset Counties.

Colonel Philemon Lloyd, Speaker of Lower House of Assembly, Protestant, Baltimore, Ann Arundell, and part of Calvert Counties.

Colonel Henry Darnall, Roman Catholic, Charles, St. Mary's, and part of Calvert Counties.

In all these counties there are magazines, under the charge of the several Colonels of Foot. The arms have been equally distributed in the several counties since my return from England, as the whole Province can bear witness. *Signed, C. BALTIMORE.*
1½ pp. *Endorsed.* [Col. Papers, Vol. XLVII., No. 119.]

[Dec. ?] **350.** The names of the Council of Lord Baltimore in Maryland, from Mr. Rousby :—

Philip Calvert	-	Roman Catholics.
William Calvert	-	
George Talbot	-	
Henry Darnall	-	
Vincent Lowe	-	
Henry Coursey	-	
Thomas Tayler	-	Protestants
William Steevens	-	
William Diggs	-	

[Col. Entry Bk., Vol. LII., p. 57.]

Dec. 29.

351. Philip Calvert, Chancellor of Maryland, to Colonel Henry Meese. I find by the masters of ships that the imprisonment of Captain Josias Fendall and Captain John Coode has made great noise in London, and therefore think it necessary to give you an account of it, as having been formerly an inhabitant of Maryland and an eye-witness of the carriage of Captain Fendall in the years 1659 and 1660, when he perfidiously broke his oath and trust as Governor of the Province, cancelled his commission from the Lord Proprietor and took a new one from the Assembly. For that offence he was only fined and declared incapable of ever again holding office in the Province, as you may remember, and this has galled him ever since. He now sets all his wits to work, inciting the people of Charles County to mutiny and sedition, and tampering with some of the Justices of the Peace in St. Mary's County. First he tells the people they were fools to pay taxes (though imposed by Act of Assembly), that there was war in England between King and Parliament, and that a man might say anything, for that now nothing was treason. He then tells the justices how easy it would be to overturn the Government here by seizing the Lord Proprietor, Chancellor, Secretary, and Colonel Darnall, all the rest (as he said) counting for nothing. One Justice of the Peace told him he had no commission and that it would be downright rebellion. He

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left him and told the whole story to another justice who revealed the whole matter to Lord Baltimore. Shortly after, Captain John Coode takes the opportunity, at a feast, to discourse with a Papist who was suing a friend of his for a piece of land. He told him that he need not trouble himself about a piece of land, for that no Papist in Maryland should be owner of any land at all in the provinces within three months; for he had ten thousand men at his command and could make it high-water or low-water when he pleased. After this it was observed that Coode paid visits to Fendall, which he never used to do before, and they both went over to Virginia. A few days after their return a boat bound from Maryland to Carolina was driven by stress of weather to a house in Virginia (*sic*), when the owner of the boat heard that Fendall and Coode had been thereabouts, and that the general discourse then was, that Fendall intended to raise mutiny in Maryland, and that he and Coode would carry their families into Virginia. This was sworn to, and at the same time information was given that one of Captain Coode's servants had reported that his master meant to move his family to Virginia on the following Thursday. Lord Baltimore then thought it high time to look to the security and peace of the province, and sent Colonel Darnall, with about ten men, to bring Coode and Fendall before the Council. Colonel Darnall came to Coode's when it was light, the usual servants opened the door, and Darnall entered alone leaving his men outside, and coming to Coode's chamber told him he was his prisoner. Coode laid his hand upon his sword, but presently yielded, after which Darnall crossed the river, captured Fendall also and brought them both before the Council. Next day Mrs. Coode hectored my Lord at a rate that I never heard from a woman before, by which you may conclude she was not run mad with the fright of her husband's being pulled out of his bed, as we are told that her son Slye falsely reports in London. I saw her three or four days later at St. Mary's, and then I suspected that she would not long continue in her wits; you know that she had been mad for a time on the death of her eldest son about the year 1659, and you had heard that she sometimes fell into the like fits since. After this Lord Baltimore took bail for Coode within five days, but Fendall was kept until my Lord had secured Lieutenant George Godfrey, who laid a plot to unhorse his captain and carry the troops to the rescue of Fendall, instead of employing it in search of the Indians that had murdered some of our planters and were daily expected to invade Charles County in great numbers, as indeed they did three weeks later. Lord Baltimore intends to send over their trials to show with how much favour the Court proceeded and to stop the mouth of calumny. 2 pp. Printed sheet. Inscribed, The Committee took notice of the printing thereof, 8th April. [Col. Papers, Vol. XLVII., No. 120.]

Dec. 31.
London.

352. Sir Edmund Andros's answer to John Lewin's report on New York. Going through Lewin's criticisms *seriatim* and ending with a denial of the truth of all imputations against him (see

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No. 348). 4 pp. Printed in New York Documents, Vol. III., pp. 308-13. [Col. Papers, Vol. XLVII., No. 121.]

353. Map of Virginia. On parchment. Some soundings given. [Col. Entry Bk., Vol. LXXXII., init.]

Dec. 31.

354. Abstract of the Accounts returned from Newfoundland for the year 1681. List of inhabitants, viz., planters, 219; married planters, 97; children, 246, servants, 1,956; total inhabitants, 2,514. Boats, 361. List of ships: fishing ships, 151; sack ships, 21; men, 4,611. Boats, 806. Stages, 63. Train-fats, 34. Quintals of fish caught, 83,240, which, at 12s. 6d. per quintal, is 52,025l. viz., 32,950 quintals, value 20,593l. 15s. 0d. exported in sack-ships; 50,290 quintals, value 31,431l. 5s., exported in fishing ships. Large sheet, giving no further details. Endorsed as above. [Col. Papers, Vol. XLVII., No. 122.]

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355. "Memorandum of some ships belonging to Jonas Therry, English merchant at present in London, already arrived and seized in the ports of Falmouth and Plymouth. Others daily expected, and probably may be also seized in like manner," viz.: The Walsingham of London, from Maryland; the William of London, from Barbados; the Charity of London, from Maryland; the Seven Stars from Maryland have been seized. The ships expected are the John and the Jacob of London, from Barbados, and the Blessing from Guinea. 1½ pp. Undated. Endorsed, "The account given to the K[ing] about James Therry's ships brought up from Barbados "and Virginia." [Col. Papers, Vol. XLVII., No. 123.]

356. Abstract of records of all the grants of land made in South Carolina in 1681 in continuation of those abstracted in 1680 (see previous volume, No. 1638).

Persons Names to whom granted.	Number of Acres.	In what County, Parish, or Township, or in what River or Creek granted.	Date.
Thomas Clouter - -	Town lot -	- - -	5 October 1681.
Robert Gibbes - -	547	Wappoe Creek -	" "
James Jones - -	80	Jamestown Creek -	25 July 1681.
William Chapman - -	Town lot -	- - -	5 October 1681.
John Horton - -	Town lot -	- - -	22 August 1681.
John Ashby - -	2,000	Cooper River -	25 April 1681.
Sarah Erpe - -	Town lot -	- - -	26 October 1681.
Eliza Willis - -	70	Cooper River -	6 April 1681.
Joseph Calf - -	81	Islands -	5 October 1681.
John Cowen - -	70	Stono River -	3 July 1681.
Josiah Willis - -	400	Cooper River -	6 April 1681.
Thomas Prade - -	70	Stono River -	8 July 1681.
Theophilus Patey - -	470	Wawpachecone Creek -	7 September 1681.
Theophilus Patey - -	500	Dawtaw Creek -	5 October 1681.
Edmund Fogestre - -	400	Wandoe Creek -	8 July 1681.
Thomas Stanyarne - -	45	Ashley River -	7 September 1681.
Theophilus Patey - -	Town lot(2) -	- - -	" "
William Chambers - -	Town lot -	- - -	6 October " 1681.
John Ellis - -	100	New Town Creek -	3 October 1681.

[Col. Entry Bk., Vol. XXIII., pp. 2-4.]

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Jan. 3.
Barbados.

357. Sir Richard Dutton to Lords 'of Trade and Plantations. I have received yours of 17th September last, and rejoice in your approval of me. I have now served the King forty years, and few men have exposed themselves to greater danger for him than have I. I have settled the Court of Exchequer with the office fees and without any charge to the King though much to his service, and have levied some fines which could not be recovered since Francis Lord Willoughby's time, by the rules of this Court. It is impossible to do anything effectual for the King without it, and to let it fall would much diminish the King's authority, which the Assembly is ever trying to invade. Moreover, I do not know how to dispose its business to any other Court without your particular directions, but I shall execute your orders to the best of my power. As to the Chancery and King's Bench I dispose of all causes there myself, which is not the practice in any other Colony and gives me a great deal of trouble. Nor can I put either or both of the offices in Commission, for that would throw everything into confusion. There would be no one who could exert any authority among them, for being all planters together every man thinks himself as good as his fellow. You will better understand the mutinous, ambitious temper of these people who generally aspire to popularity, when I tell you that had I commissioned (as at one time I had intended) any person in this Island to hold the last Grand Sessions, I believe (and the best opinions in this Island agree with mine) that they would have been so little able to defend the case entrusted to them, that they would have fallen together by the ears on the Bench, and given me more trouble than can be imagined. There is hardly a cause in the Island wherein judgment has been given by one of the Courts of Common Pleas, but there is an injunction or a writ of error prayed for, that the case may be submitted for my final determination. So that practically I have to hear all the causes in the Island. My disadvantages in such circumstances are great. My youthful training for the law was early diverted by my hastening into a military employment at the age of seventeen, as soon as the King had need of me, which was before Edghill. Since that time I have been faithfully and zealously employed in the same profession of a soldier, in which I expected to spend all my time in this place. However, I hope that you will think that I have done my best to do justice indifferently to rich and poor. The Courts of Common Pleas are held monthly in five precincts of the Island. I should have reduced them to two, which would be greatly to the benefit of the country, if I could, but the people love their old constitutions settled by law of the country, and would not hearken to it. Any attempt to recover a right of the Crown in these Courts is, they think, to do violence to themselves, for they have long persuaded themselves that all fines whatsoever should be appropriated to the use of the public and not of the King, though I have now made them understand better, namely, that all fines given to the public without appropriation to particular uses are understood to be given to the King. I see to all Admiralty cases myself, and being also Ordinary, I see also to that department, as, indeed, I do

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to all the rest of the Courts of Judicature, without one penny of advantage to myself. On the contrary, I am obliged to pay several clerks out of my own purse, which is a great hardship to me. Any employments fit to reward the deserving withal are engrossed by patentees who execute their duty by deputies, who deserve nothing from the Crown, and are a dishonour to it. I do not fail to send the laws and the proceedings of the Council and Assembly to you every quarter. I have no recollection of discharging any persons from public accounts ; it is rather a point that I am particularly careful to refuse. As to the *Habeas Corpus* Bill, the Bill declaring when the laws of England shall come into force, and other Bills of the kind, I shall always refuse them whatever the pressure put on me, though, as you may see by the Assembly's late addresses to me, that pressure is great. I shall preserve the royal prerogative and do my duty without thanks in spite of the temptations of the Assembly. Since my arrival I have carefully informed myself as to the various administrations here since the expiry of Lord Carlisle's patent. Whenever the governorship has been vacant since that time the Deputies appointed to the place have striven to lessen the Royal prerogative and invade the rights of the Crown, knowing that their terms of power were short, and their opportunities of gaining popularity great. It must always be mischievous to the government if in the death or removal of any governor his authority shall descend on the eldest resident member of the Council. For should such an one be a native or a planter (and there are but two members of the Council that are not so), he generally affects popularity, being of slender fortune, mean parts, and consequently of no reputation, or, what is worse, of no loyalty and courage to support the Government. In such a case the King's interests would soon be brought to the same contempt as formerly, and to a much worse condition than that in which I found them, which was bad enough. If the King's affairs should ever again be in so unhappy a condition as to require the assistance of the Council, I am afraid that, owing to the system under which recent nominations have been made, I should find it a broken reed and unsafe pillar to rest on. I therefore suggest that for the future no man be nominated of the Council until you have a character of him from the Governor for the time being, for there is no one who can or will so faithfully represent his fitness or unfitness to you. And it should be provided that the candidate be neither a planter nor native, for a man who becomes either ceases to be useful to the Crown. I am sure that you will find this to be invariably true. And since, in the event of my death, the Government by my commission must needs fall into such ill hands, I cannot but let you know how perilous it would be, and beg the King to empower me, in case of sickness, to nominate as my successor the man who, I am assured, is best qualified for the place, and so to keep the Government in the present good disposition to which it has been brought, though not without difficulty, in respect alike of civil and religious matters. I protest that I have no motive in making this suggestion but the advancement of the

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King's honour. I have heard from Sir William Stapleton, who, in consequence of the attack of the Indians of St. Vincent and Dominica or Barbuda, asked for my leave (they being within my Government) to make war upon them, and for my assistance in so doing. I was obliged to answer him that I could do neither, being limited by my instructions not to make war, but that I would represent his wish to you. In my opinion this war should be undertaken, provided that we are so prepared as to carry it on vigorously even to the extirpation of these savages. I know not how it may be done, for I am well assured that the people of Barbados think the matter no concern of theirs. They are so little interested in the well-being of the Leeward Islands, which can never be useful to them, and are, as they think, growing too fast upon them already, that they would be well content to see them lessened rather than advanced. I do not expect that a man in the Island will concern himself with them, much less contribute towards such a war. A vessel came in yesterday that had been to St. Lucia to cut wood, but the natives had killed four of them and forced them to retire. I have therefore given orders that no more ships are to go thither but such as are sufficiently armed and manned to protect the labourers against such attacks. The Duke of Courland has sent a Governor with a couple of ships and about one hundred men to resettle Tobago. They touched here to obtain some necessaries, but if care be not taken to recruit them speedily the unhealthiness of the climate and their wants will soon drive them out of it, even though the Indians, who will not want for intelligence of their weakness nor for willingness to take advantage of it, should not attack them. *Holograph.* 7 pp. *Endorsed with a long précis.* Recd. 8 April 1682. Read same day. [Col. Papers, Vol. XLVIII., No. 1, and Col. Entry Bk., Vol. VII., pp. 110-117.]

Jan. 4.
Barbados.

358. The Clerk of Assembly of Barbados to [William Blathwayt]. Forwarding copies of the Assembly's proceedings, rules, and bills. Has not sent copies of several petitions which are unimportant; such petitions as called for the redress of grievances by the Governor and Council have doubtless been forwarded by the Secretary. *Signed,* John Higinbotham. *Endorsed and inscribed.* Recd. 28 March 1682. 1 p. [Col. Papers, Vol. XLVIII., No. 2, and Col. Entry Bk., Vol. VII., p. 118.]

Jan. 12.

359. Fundamental Constitutions of Carolina. One hundred and twenty clauses. *This is the second set of Constitutions.* [Col. Entry Bk., Vol. XXI., pp. 23-42.]

Jan. 12.
Council
Chamber.

360. Journal of Lords of Trade and Plantations. Draft of Lord Culpeper's Commission and Instructions read and submitted to him for his comments. His objections, if any, to be made in writing on the 19th instant.

Report concerning the Government of New Hampshire read and approved (*see next Abstract*). [Col. Entry Bk., Vol. CVI., pp. 333-334.]

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Jan. 13.
Council
Chamber.

361. Lords of Trade and Plantations to the King. We have considered the condition of New Hampshire and perused the Acts and Orders of Council and Assembly recently received from thence, from which it appears that some persons in the Government have abetted divers irregular proceedings inconsistent with your service and with the settlement of the country. We find most of the public Acts unequal, incongruous and absurd, and the methods of the Council and Assembly in establishing the same so disagreeable and repugnant to the terms of your Commission, that we see no hope of a settlement unless you appoint a faithful and capable man as Governor to carry out such regulations as you think fit. And we recommend this as the best means to prevent further irregularities and to render the country useful to the Crown and able to defend itself against foreign invasion. *Signed, Ailesbury, Craven, Clarendon, Fauconberg, L. Jenkins, Edward Seymour.* [Col. Entry Bk., Vol. LXVII., pp. 30, 31.]

Jan. 16.
Whitehall.

362. Order of the King in Council. That since the ships that take the pay for the foot companies in Virginia are still in the Downs, pay for three months more, to 1st April, be sent out to them. [Col. Entry Bk., Vol. LXXXII., p. 9.]

Jan. 17.
Mile End
Green.

363. Sir John Berry to William Blathwayt. Your letter of 12th instant came to me when I was at death's door with a violent fever. I am so weak that I cannot attend the Lords of Trade and Plantations on Thursday as ordered. I have no papers in my possession which concern Mr. Beverley, Mr. Hill, or any other persons in Virginia. All the papers we had were in the custody of Colonel Moryson, who told me before his death that he had made them over to the Council Board. *Signed, John Berry.* Postscript.—If you tell me what papers you want I may be able to satisfy you by memory. *Inscribed, "From Mr. Berry"* [? Sir John]. *Endorsed.* Recd. 18 Jan. 1681-82. 1 p. [Col. Papers, Vol. XLVIII., No. 3.]

Jan. 17.
St. Jago de la
Vega.

364. Extract from Minutes of Council of Jamaica. Sir Henry Morgan and seven members being present, the petition of Captain Peter Paine, of the French King's ship La Trompeuse, was read and the Captain called in. His contract being translated and entered on the Council Book, it was in a debate unanimously resolved that he should be received into the King's protection and naturalised, on his engaging to use his best endeavours to return his ship to the French King. *Copy. Signed, Rowland Powell, Cl. Concil.* $\frac{1}{2}$ p. *Inscribed and endorsed.* Recd. 16 Aug. 1682. [Col. Papers, Vol. XLVIII., No. 4.]

[Jan. 17.]

365. Copy of Peter Paine's agreement with the French King for the hire of the ship La Trompeuse. 2 pp. French. *Endorsed,* "Recd. from Sir Henry Morgan, May 1682." [Col. Papers, Vol. XLVIII., No. 5.]

[Jan. 17.]

366. Petition of Captain Peter Paine, of the French ship, La Trompeuse, to Sir Henry Morgan. Petitioner hired his ship of the

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French King, and hearing of the inhuman treatment of the Protestants in France, of which he is one, has resolved to send back his ship and pay all that is due under his contract, and to ask for leave to settle with the English and for English protection. *Copy, certified by Rowland Powell. 1 p. Endorsed, "Recd. 16 Aug. 1682;" also with particulars of the ship. [Col. Papers, Vol. XLVIII., No. 5A.]*

Jan. 17.
Jamaica.

367. The Council of Jamaica to Lords of Trade and Plantations.

We have with all possible care endeavoured to pursue the King's instructions for the calling of a General Assembly to make laws conduced to his service and acceptable to his subjects here. The difficulties which we have encountered by frequent disputes have been the cause of several prorogations before we could pass the body of laws which we now transmit. And though we have so closely followed the Royal orders as to admit nothing contradictory to them, yet necessity has forced us to consent to some things which our judgments disapproved; but we hope that our reasons will be found valid by you. The Assembly refused to ascertain the jurisdiction of the Admiralty by a provision in the Act for the boundary of parishes, upon which the whole clause that clashed with it was left out, and the jurisdiction referred to the decision of the law. As for the Bill for ascertaining the rates of negroes, the Assembly, on our producing the King's Order in Council for the same, were so fond of it that no other business could be done till that was adjusted. Nevertheless the Bill that they prepared being different in some points from the intent of the said order, we contested the same, and being unable after several conferences to bring them to consent to our reasonable amendments, we rejected it. Another being afterwards proposed more agreeable to the said order we could not but agree to it. The Assembly would by no means consent to the last proviso directed to be inserted in the Militia Bill. The more plausible we tried to make it the more jealous they were of it, as if it rendered not only that Bill but all our other laws ineffectual. Considering that the Bill must have fallen, unless accommodation could be made by some after clause to secure them from such illegal uses as they thought might be made of that proviso, we were forced to consent to the clause that concludes the Act. As to the Revenue Bill, our difficulties were so many that we shall trouble you only with those that were most contested. First there was the application of a thousand pounds per annum to the fortifications, which we should have preferred to be done by the King's instructions rather than in virtue of the Act. But to this the Assembly would not agree, saying that it knew by long experience the little care taken for the reparation of the forts, especially as the six hundred pounds a year allowed by the King to that end out of the English Establishment had never yet, nor any part thereof, been applied thereto. Our second objection was against annual Assemblies, as intrenching on the Royal Prerogative. They replied with great submission that they intended nothing of the kind, and beg that this might be understood, protesting that

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their only object was to give themselves the power of representing any grievances or oppressions to the King; a thing which as private individuals they could not do without risk of being accounted seditious. Our third objection was against the tacking of the body of laws to the Revenue Bill. They answered that they had spent much time and money in making several bodies of laws, some of which were sent home for the King's confirmation; but that owing to the distance of Jamaica, the pre-occupation of the ministers at home with more important affairs, and the inability of the Colony to afford the expense of a solicitor constantly to watch its interests, none of these laws have been confirmed. The delays have been such that laws have often expired before the King's pleasure was known or the Assembly could have an opportunity of reviewing them, which has caused the Government great and unavoidable difficulties. To avoid such trouble in the future they could think of no better expedient than to tack the laws to the Revenue Bill. The two years limited for their ratification they judge a sufficient time for the signification of the King's pleasure. We rejoined, and backed our argument with several reasons, that they had no ground to distrust the King's confirmation of the laws, as they had hitherto followed his directions in all respects, and that the only thing really to be feared was that this and the former clauses might create exceptions not only against the Bill itself but against the whole body of laws, thus bringing about the very evil which they causelessly dreaded. Nevertheless, they insisted on it as the sense of the whole house, adding that the foregoing clauses were the great, if not the only, motives which led them to pass the Bill for seven years. Beyond that time no arguments could prevail with them to extend it. Whereupon, considering the impossibility of obtaining the Bill and the other laws that depended on it on any other terms, the ruinous state of the forts and the difficulties of the Government for want of revenue and laws, we thought best to accept the Bill on these terms rather than lose it, for we had reasons to believe that the same conditions would be revived for the Bill on a future occasion, if we should reject it on the present. We hope that these explanations will satisfy you for our behaviour, and that the King will confirm the laws and apprise us to that effect within a reasonable time. *Signed,* Chas. Modyford, Ro. Byndloss, Jo. Cope, Tho. Ballard, John White, J. Fuller, The. Cary. *Inscribed and endorsed.* Reed. 28 Oct. 1682. 5 pp. [Col. Papers, Vol. XLVIII., No. 6, and Col. Entry Bk., Vol. XXX., p. 56-61.]

[Jan. 17.]

368. List of the Acts of Jamaica enclosed in foregoing letter (*see ante*, Nos. 160, 215, 270). Recd. 25th May 1682. [Col. Entry Bk., Vol. XXX., pp. 61-63.]

Jan. 19.
Council
Chamber.

369. Journal of Lords of Trade and Plantations. Sir Nicholas Crisp and other Patent Officers of the Customs attend with an account of goods exported and imported to and from the Colonies within the port of London for the month of October last (*see No. 279*). They represent the great inconvenience that may happen to the

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King's Customs in England if the bonds which are given in Virginia by masters of ships for making true entries there should be put in execution in Virginia, upon information to be gathered from these accounts, inasmuch as masters of ships, being terrified thereby, would venture to run their goods and defraud the King's Customs in England, where they pay five pounds for what is chargeable with but two shillings in Virginia. The Officers of Customs also pointed out that their frequent attendance on the Committee in this question has much alarmed the merchants and induced them of late to make their entries in other names. The officers being then withdrawn, the Lords agree that the Commissioners shall continue to furnish these monthly statements, not only from London, but from the outports and from their collectors in the Colonies.

Lord Culpeper attends and asks for powers to appoint so many Councillors upon a vacancy as will make up the number of nine instead of seven, as directed by his Commission. The Lords agree to report this to the King in Council. As to the manner of restraining the Assembly of Virginia from meeting till Lord Culpeper's arrival, agreed to write to Sir Henry Chicheley forbidding him to call an Assembly without the consent of at least seven of the Council. [Col. Entry Bk., Vol. CVI., pp. 337-339.]

Jan. 20.

370. The King to Sir Henry Chicheley. As Lord Culpeper will shortly start for Virginia, you will call no Assembly, except for urgent and need, and with consent of seven of your Council, until 10th November. [Col. Entry Bk., Vol. XCIX., p. 96.]

Jan. 21.
Council
Chamber.

371. Journal of Lords of Trade and Plantations. Draft of letter to Sir Henry Chicheley read and approved, ordering the Assembly not to meet till 10th November. Lord Culpeper's instructions read, and that respecting the freedom of Virginian ships left out. The Virginian Act for Appeals of 1661 ordered to be repealed. On the question of appeals the Lords think fit that they be made to the King in all cases exceeding one hundred pounds, and, that appeals may not be made too frequently, and for matters of small value, to the Governor and Council, it is thought fit to provide by an instruction that the Governor and Council propose to the Assembly to settle the best methods for regulating appeals to the Governor and Council. On reading the instruction for Christian servants the Lords do not think that land should be set out for them at their importation, but fifty acres on their becoming free. Agreed that the Governor and Council may raise the value of foreign coins by proclamation, provided that all moneys due to the King and Government be paid in sterling, and that this be inserted in the instructions. Sir John Berry being unwell the business of Robert Beverley is deferred till he be well enough to attend. The instruction concerning the proceedings and declaration of the Assembly to Colonel Jeffreys ordered to be inserted, with the further directions given therein in Council on 21st December last. [Col. Entry Bk., Vol. CVI., pp. 339-340.]

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Jan. 21.
Council
Chamber.

372. Report of Lords of Trade and Plantations to the King. We have prepared Lord Culpeper's Commission, wherein it is provided that if, from any causes, there be less than seven Councillors residing on the spot, the Governor shall have power to create sufficient Councillors to make up the number to seven. Lord Culpeper, however, wishes to change the number seven to nine. We beg directions. *Mem.*—Report approved, and order given that the number be changed to nine. [Col. *Entry Bk.*, Vol. *LXXXII.*, p. 14.]

Jan. 21.

373. The King to Sir Henry Chicheley. As Lord Culpeper will shortly return to Virginia we have directed him not to call another Assembly till the 10th November, unless by the consent of seven of your Council you find it necessary. $\frac{1}{2}$ p. [Col. *Entry Bk.*, Vol. *LXXXII.*, pp. 11-12.]

Jan. 23.

Council
Chamber.

374. Journal of Lords of Trade and Plantations. Mr. Mason's address to the King read, offering to surrender a fifth part of his estate in New Hampshire, which is, or shall be, recovered by him. Agreed to present the same to the King in Council, with a suggestion that the King be pleased to enable Mr. Cranfield to go and settle himself in that Government [Col. *Entry Bk.*, Vol. *CVI.*, p. 341.]

[Jan. 23.]

375. Robert Mason to the King. Since you have appointed Mr. Cranfield to be Governor of New Hampshire, whereof the proprietary of the soil is vested in me, I must express my sense of the advantages that will arise to me and to all from this arrangement. To ease the cost of Government, I think myself bound in duty and gratitude to contribute liberally thereto, and I therefore offer one-fifth of all rents, revenues, and profits, arising not only in that part of the province which is now under your authority, but also in that which is unjustly kept by Massachusetts. I also surrender to you all fines and forfeitures praying that they may be allotted to the support of the Government. When Governor Cranfield is established in authority, he with the Council and Assembly will be able to raise additional revenue. *Copy.* $1\frac{1}{2}$ pp. *Endorsed.* Read Jan. 23, 1682-83. [Col. *Papers*, Vol. *XLVIII.*, No. 7.]

Jan. 24.

376. Minutes of Council of Barbados. Edwyn Stede sworn of the Council. His Excellency summoned the Assembly and told them that as they had sat for ten months he thought they might have provided some useful Bills, but as they had not he dissolved them. Declaration of the Governor in justification of his action. Dated, 28th January 1682. $5\frac{1}{2}$ pp. [Col. *Entry Bk.*, Vol. *XI.*, pp. 500-506, and a second entry on p. 513.]

Jan. 24.

377. Journal of Assembly of Barbados. The House was summoned by the Governor. Resolved that in its return it prepare a bill for raising a public levy. On attending his Excellency he

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declared his intention of dissolving the House and dissolved it accordingly. [Col. Entry Bk., Vol. XIII., p. 470.]

Jan. 24.
Barbados.

378. The Clerk of Assembly of Barbados to William Blathwayt. Reporting dissolution of the Assembly and forwards its proceedings on the day of dissolution. *Signed*, John Higinbotham. *Endorsed and inscribed*. Recd. 28th March 1682. [Col. Papers, Vol. XLVIII., No. 8, and Col. Entry Bk., Vol. VII., p. 119.]

Jan. 25.

379. Copies of Commissions issued to Thomas Thurton and Walter Barefoot by Edward Randolph, appointing them his deputies in New Hampshire. The first dated 25th January, the second 8th March 1682. *Certified* by Richard Chamberlain. 3 pp. *Endorsed*, "Reed. from Mr. Mayer, 4th December 1686." [Col. Papers, Vol. XLVIII., No. 9.]

Jan. 26.
Maryland.

380. Affidavits of Robert Carvill and of G. Vansweringen about the proceedings and condemnation of the ship Liverpool, they being two of the Justices appointed for that special Court. *Five long sheets*. *Signed*, Philip Calvert, Canc. before whom the affidavits were sworn, 26th January 1681-82. *Endorsed*. [Col. Papers, Vol. XLVIII., No. 10.]

Jan. 26.

381. Minutes of Council of Virginia. Proclamation proroguing the Assembly from the 15th February to the 18th April 1682. [Col. Entry Bk., Vol. LXXXIV., p. 98.]

Jan. 27.
Council
Chamber.

382. Journal of Lords of Trade and Plantations. Sir Jonathan Atkins' report touching the state of Barbados read (*see ante*, No. 311). Ordered, That it be compared with former accounts sent by him. Several papers transmitted by the Lords of the Treasury respecting Christopher Rousby. The Report of the Commissioners of Customs on the whole matter read, together with a letter from Lord Baltimore to the Lord Privy Seal complaining of Mr. Rousby (*see ante*, No. 129). Mr. Rousby is called in, who declares on oath that he left Maryland on the 11th June, and had been with Lord Baltimore for several days before his departure. Lord Baltimore had not charged him with any accusation, though he had published his intended departure four months before. Fourteen days before his departure Lord Baltimore proposed a match for him with one Mrs. Babington, so far was his Lordship from showing any mark of displeasure with him. The Lords agree to report that, having examined the whole matter, they think Lord Baltimore has proceeded in a very unusual manner by charging Mr. Rousby in his absence, without giving him any notice of his accusations before his departure from Maryland, and that he has not sent sufficient proofs of his charges to gain them credence. All of which will be written in a letter now preparing to Lord Baltimore (*see post*, No. 403).

Several depositions sent by Sir William Stapleton in his letter of 16th August last, concerning a Spanish man-of-war that had plundered an English ship, were read. Their Lordships

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will recommend that copies be given to the Spanish ambassador and satisfaction asked for the same. On Sir William Stapleton's proposal to devote the fifteen hundred pounds allowed to him to the building of one fort, the Lords agree and hope that the people will contribute voluntarily to build a fort in each island. [Col. Entry Bk., Vol. CVI., pp. 343, 344.]

Jan. 27.

383. Commission to Lord Culpeper as Governor of Virginia. Clause 3 gives power to suspend Councillors. Clause 6 excludes displaced Councillors from the Assembly. Clause 22 gives power to pursue enemies outside the limits of the Colony. Clause 32 forbids the Governor to fill up offices granted under the Great Seal of England except temporarily. Thirty-seven clauses in all. Great Seal affixed 27th November 1682. [Col. Entry Bks., Vol. LXXXII., pp. 15-29, and Vol. XCIX., pp. 97-106.]

Jan. 27.
Whitehall.

384. Instructions to Lord Culpeper. Eighty-two articles. The most noticeable points are:—Article (14.) All fines and forfeitures are to be declared to be payable to the King. (15.) All Acts for permanent purposes are to be indefinite. (31.) The Assembly is to be advised to do away with taxes levied by poll, and (32) to raise an impost on imported liquors, and (33) to settle a more certain and reasonable allowance of taxes on tobacco. (35.) Salaries of Members of Assembly are to be reduced. (64.) No appeals are to be allowed from the Governor and Council to the Assembly. Appeals are to be allowed to the King and Privy Council in matters where 100*l.* and upwards is at issue. (65.) The Governor is to endeavour to pass laws to restrain inhuman severity towards white servants or black slaves. (68.) The building of towns is to be specially encouraged, and no ships are to unload except at towns. Jamestown is to be headquarters. The King will take it well of the chief inhabitants if they build a house or two there. (72.) The planting of vines, silk, hemp, and flax is to be encouraged. (73.) The Council, and, if thought fit, the Assembly also, may be consulted as to the expediency of putting restraint on the planting of tobacco. *Against each article of the original are Lord Culpeper's marginal notes, for which see under 20th September 1683.* [Col. Papers, Vol. XLVIII., No. 11, and Col. Entry Bks., Vol. LXXXII., pp. 30-61, and Vol. XCIX., pp. 107-122.]

Jan. 30.

385. Petition of Philip Dogherty and Richard Roerty, "newly returned from servitude at Mexico," to Sir Henry Morgan. Petitioners were at Trist, in the Bay of Campeachy, 13th May 1680, when Captain Don Philip Barrera, General of the King of Spain's armada in those parts, ordered them, with about sixty more English, to surrender to him as they expected the safety of their lives. Petitioners and the rest did so, being destitute of everything, having lost all their ships captured by the Spaniards while they were ashore. But before surrender Barrera gave them assurance under his hand that, within two months after their arrival at the port of Campeachy, he would furnish them with

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a vessel, thoroughly equipped, to transport them to Cayenne or Jamaica. But, breaking his agreement, Barrera drove the whole of the English on board two small armadillas, where they were immediately clapped in the hold till they arrived at Vera Cruz from Campeachy, after staying at Campeachy for six days in most loathsome dungeons. At Vera Cruz they were kept for six weeks together carrying sand without intermission, even on Sundays, and from there were transported to Mexico on news of the arrival of the Plate fleet, and the Marquis de Laguna, the new Viceroy. There they were sold for life to clothworkers, though previous to the arrival of the fleet they had been designed for the Philippines. When petitioners were sold there were not less than a hundred and seventy disposed of at the same time. They were used with more severity than negroes, and when any of them happened to die the naked corpse was dragged through the streets of the city, then cut in pieces and thrown in the field Alborado to dogs and fowls of the air. Petitioners pray that their case may be represented to the King for their relief. "Sworn before me," 30th January 1682. Signed, Henry Morgan. 1½ pp. *Inscribed and endorsed.* Recd. 22nd May 1682. [Col. Papers, Vol. XLVIII., No. 12.]

Jan. 30. **386.** Duplicate of foregoing. [Col. Papers, Vol. XLVIII., No. 13.]

Jan. 30. **387.** Copy of foregoing. [Col. Papers, Vol. XLVIII., No. 14.]

Jan. 31. **388.** Journal of Lords of Trade and Plantations. Petition of William Fisher, of Tercera, read (see No. 183). Lord Culpeper declared the allegations therein to be true, and that the Government of Virginia had been backward in doing him justice. Agreed to recommend that Sir H. Chicheley report on the case. Lord Culpeper represented that, by the Virginian Indemnity Act, several followers of Bacon were still incapable of holding office under Government, and pointed out Messrs. Sherwood and Langston of them as fit to receive the King's pardon. The Lords did not agree that they deserved pardon.

Agreed that Sir William Stapleton be ordered to report his reasons for condemning the Act for extending lands of Antigua.

The Lords agreed to submit the clauses respecting legislative power in the Governors' commissions to the Crown law officers, with the following question:—If a law be made by the legislative power aforesaid without being afterwards confirmed or disapproved by the King, and a law being thereupon passed to repeal that first law, the King think fit to make void that repeal; in such case is the former law revived or restored to its full force as if it had never been repealed? [Col. Entry Bk., Vol. CVII., pp. 1-3.]

Jan. 31.
Council
Chamber.

389. Report of Lords of Trade and Plantations to the King. Submitting draft of the following letter from the King to the Commander-in-Chief of Virginia. We have received a petition from William Fisher, residing in the Island of Tercera (see ante,

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No. 183), complaining of sundry unjust acts done to his prejudice, which on inquiry we find to be in great part true. We therefore signify to you our resentment of these irregular and unwarrantable proceedings, and require you to examine and report to us why notice has for so long been denied to the petitioner. [Col. Entry Bk., Vol. LXXXII, pp. 63-65.]

Jan. 31. **390.** The Secretary of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns. Ill weather has detained the ships till now, so has sent all transactions up to the dissolution of the Assembly. 1 p. *Endorsed and inscribed.* Recd. 5th April 1682. [Col. Papers, Vol. XLVIII., No. 15, and Col. Entry Bk., Vol. VII., pp. 117-118.]

Jan. 31. **391.** Lord Baltimore to William Blathwayt. I send you herewith the trials of Captain Josias Fendall, Captain John Coode, and Lieutenant George Godfrey. I beg that the Lord Privy Seal and Secretary of State may peruse them. The apprehension of these three men made my enemies report by letters last summer that I was violent against the Protestants here, and that upon groundless jealousies and bare suspicion I had committed six or seven Protestants. Had not these three persons been secured in time you would soon have heard of another Bacon; and then, possibly, the wickedness of these fellows would have been charged to the Papists as designing to be quit of the Protestants, under which pretence these persons began to act. Time, the mother of truth, will, I hope, remove these impressions which my enemies have endeavoured to beget in the Lords of the Council to my prejudice, and I trust your kindness also. *Signed, C. Baltimore. Holograph. 1 p. Endorsed. Recd. 15 April 1682. The letter is dated and also endorsed 32 January (sic). Annexed,*

391. i. The trial of Josias Fendall before six Justices at the St. John's, 15th November 1681, for scandalous, mutinous and seditious practices and speeches. Verdict, guilty. Sentence, fine of 40,000 lbs. of tobacco to Lord Baltimore; imprisonment till fine paid. *Signed, Philip Calvert. The trial is reported to the minutest word. 19 quarto pages in a beautiful hand. On the first page is a letter, as follows:* Lord Baltimore to William Blathwayt. This is the trial of Josias Fendall, who in 1659 was my father's Lieutenant-General and Chief Governor of Maryland, but having most perfidiously broken his commission and taken another from the country, was fined and declared incapable of holding further office in the country. This was the utmost punishment my father's justices would inflict on him. Since then he has endeavoured mutiny as opportunity offered, and this last July had almost brought matters ripe for it. Being esteemed a subtle, cunning person it was expected that he would make a great defence. I ordered the Clerk of the Council, John Llewellyn, who writes shorthand, to sit with the Clerk

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of the Provincial Court and report the trial for the satisfaction of persons here, and I am glad that I did so, for now it is before you, and will, I request, be laid before the Lords of Trade and Plantations. *Signed*, C. Baltemore. 22 Jan. 1681-82. *Holograph*. 1 p.

391. II. The trial of Captain John Coode at the Provincial Court of Maryland, on 8th November 1681, for mutinous and seditious words and practices against the Lord Proprietor. *Verdict*, Not guilty. Ordered by the Court that he give security for his good behaviour and appearance at the next General Court. *On same sheets*,

The trial of Lieutenant George Godfrey on the 14th November for seditious speeches and practices and attempts against the person of the Lord Proprietor. *Verdict*, guilty. Sentence, death. *Signed*, Philip Calvert. *Inscribed*, "About a week after Godfrey was condemned I gave him pardon for life, and he remains in prison for the rest of his days. He was a Justice of the Peace and lieutenant of a troop of horse, and was actually in the service of the province when he was designing to fetch Fendall out of the hands of C. BALTEMORE. *The whole*, 6 pp. *Endorsed by Lord Baltimore*. Recd. 15 April. [Col. Papers, Vol. XLVIII., Nos. 16, 16 I., II.]

- [Jan. 31?] 392. The oath of fidelity to the Lord Proprietor of Maryland. 1½ pp. *Undated. Perhaps sent with reference to the trial of George Godfrey*. [Col. Papers, Vol. XLVIII., No. 17.]

- Jan. 31. 393. Samuel Wilson to William Blathwayt. I waited on you last week about the boundaries of Virginia and Carolina, when you told me Lord Culpeper had the paper submitted by the Lords Proprietors. The Proprietors think their proposals reasonable. Pray recover the paper and send it back to me. If the business be not settled now we never know when we may have another so good an opportunity. *Signed*, Sam. Wilson. *Endorsed*. Jan. 31. ½ p. [Col. Papers, Vol. XLVIII., No. 18.]

- Feb. 2. 394. Sir Richard Dutton to Sir Leoline Jenkins. The late Barbados. Assembly has persisted in spite of my warnings in most undutiful behaviour towards all the King's commands which were most excellently calculated for the benefit of the Island, and has damaged the country to the value of at least twenty thousand pounds. Thinking it inconsistent both with my duty and my honour to suffer them to pursue their unjustifiable proceedings any longer, I considered myself obliged to dissolve them, and did so on the 24th January to the great astonishment and still greater satisfaction of the country. I prepared a declaration of my reasons to be read in all the churches of the Island last Sunday, which had the effect that I desired there, and I hope may have the like success with the King's Council. I have sent it to Mr. Blathwayt for you, and beg your favourable construction thereof. I know that I have aimed

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only at the maintenance of the King's honour, and not at my private advantage. That the Assembly might see my just resentment of their ill behaviour, I removed all the leading men of the faction from all employment, military or civil, previous to the dissolution, and have put much better men in their places. One of them was a judge called Littleton, a man who loves neither the King nor the King's government; and had Sir Jonathan Atkins done his duty, he would not have left such a person behind him for me to contend with. He told Sir Jonathan most traitorously that if the King did not faithfully perform the things that the people entrusted him withal it was in their power to thrust him from his government. This he said to him privately, but Sir Jonathan had not the resolution to punish him and actually had the folly to speak it to one of the Council, Mr. Stede, who told him that he ought either to conceal it or make an example of Littleton. The other Judge is one Quintin who is a great intelligeneer, and supplies all the faction here with scandalous papers, and was always caballing with them and endeavouring to lessen the prerogative on every occasion. *Holograph.* $1\frac{1}{2}$ pp. *Endorsed.* Recd. 2 April 1682. [Col. Papers, Vol. XLVIII., No. 19.]

Feb. 3.
Whitehall.

395. Order of the King in Council. For the preparation of a Commission to Edward Cranfield as Governor of New Hampshire. *Signed,* John Nicholas. $\frac{1}{4}$ p. *Endorsed.* Recd. 16 Feb. 1681-82. [Col. Papers, Vol. XLVIII., No. 20, and Col. Entry Bk., Vol. LXVII., p. 32.]

Feb. 3.
Whitehall.

396. Order of the King in Council. Referring the petition of Benjamin Middleton to the Lords of Trade and Plantations for their report. *Signed,* John Nicholas. $\frac{1}{2}$ p. *Annexed,*

396. i. The petition referred to. Petitioner's father, Thomas Middleton, spent 8,000*l.* on the settlement of a plantation in Antigua, but lost the whole by the invasion of the French in 1667. The inhabitants, however, being sensible of his merit and of that of Mr. Jacob Lucy, passed an Act soon after the rendition of the Island to the English requiring every inhabitant (except him and Mr. Lucy) to re-settle and to pay taxes. Thomas Middleton died many years ago, and petitioner succeeded to the Plantation, but, having many debts, was not in a condition to re-settle on the Island till last year, when he agreed with Mr. William London's correspondent to do so. To his great surprise he now hears that some people have got possession of his plantation and refuse to allow Mr. London to enter, on pretence of some late Act which is not yet confirmed by the King. Prays that the Act may not be passed, and that Governor Stapleton may be directed to relieve him. *Copy.* $1\frac{1}{2}$ pp. *Endorsed.* Recd. 18 Feb. 1681-82. [Col. Papers, Vol. XLVIII., No. 21, and (order only) Col. Entry Bk., Vol. XLVII., pp. 48-49.]

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Feb. 6. **397.** Mr. C. Jones to Lord Baltimore. This is to ask you for a
 Mount Paradise, permit for trade at Nanticoke only for Roanoke and Peake, if there
 Virginia. be any commodity prohibited by your laws. I have an inland trade
 about four hundred miles from here S.S.W. This year the Indians
 will leave Roanoke, and I have a considerable trade with them. Through it I learned six weeks since of the motion of the Seneca
 Indians about three hundred miles S.S.W. from here. They took
 from an Indian town thirty-five [prisoners] and four or five from
 several small towns under the mountains near five hundred miles
 [from hence]. They have so oppressed the Indians that they have
 made no corn this year; they are now in a full body returning
 home. By reckoning they may be now in your country on their
 return, "when the turkeys gobble," by the information of those
 that were here. I expect to hear from the priest, and will forward
 any further news. Not long since I was at Mr. Heale's and
 heard of your coming to Notley Hall. He gave me to understand that you would take it kindly if I watched the action of
 Mr. Fendall, which I have since made it my business to do. He
 converses with no gentry, for they would condemn one so arrogant
 as a man to be watched in all his motions. Mens' actions are so
 carefully inspected here that you need fear no mischief from
 Fendall in your country. Your grant of a permit to trade would
 be an act of charity. *Copy.* 1 p. *On the page within,* A second
 note from the same to the same, dated 3rd March 1682. On the
 other side is a copy of a letter which I was promised should be
 delivered, but you being not at Notley Hall it was returned.
 Pray empower the bearer, Thomas Ousley, to trade for me. *Signed,*
 Cadwallader Jones. *Holograph.* $\frac{1}{2}$ p. *Endorsed,* "Letter concerning
 Virginia. Recd. from my Lord Baltimore." [Col. Papers,
 Vol. XLVIII, No. 22.]

Feb. 7.

398. Journal of Lords of Trade and Plantations. Petition of John Ewin for satisfaction for brandy seized by Sir John Berry read. Ordered, that the matter be reported to the King if the petitioner insist further (see No. 401).

Draft of a letter to Lord Baltimore read and approved. Agreed that the style of "Our province" be insisted on by the King.

Report concerning foot companies in the Leeward Islands read, approved. [Col. Entry Bk., Vol. CVII, pp. 3, 4.]

Feb. 7.
 Council
 Chamber.

399. Report of Lords of Trade and Plantations to the King. We have received several letters from Sir William Stapleton, and we cannot but represent to you the necessity of the two foot companies in St. Christophers, through their pay being three years in arrear. The Governor also has received no pay during the same period. As regards fortifications, we hope that the 1,500*l.* granted by you will be disposed of to build a fort in each Island, and not to build one strong fort only as suggested by Sir William Stapleton; but we recognise that the expense will be very burdensome to the country, and we think it of the last importance that

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either by your bounty or by their private contribution a fort should be finished in each Island. We recommend to you the following Acts for confirmation:—

Montserrat.

- Act imposing a duty on powder.
- Act for making restitution of cattle.

Nevis.

- Act for Ministers' duties.
- Act for ascertaining lands.
- Act for encouragement of buyers of servants.
- Act to repeal an Act touching payment of sugar.
- Act to prevent fraudulent accounting of handcraftsmen.
- Act to prevent fires in Charlestown.
- Act to prevent the landing of infected persons.

Antigua.

- Act for repairing common ponds.
- Act for repairing the King's forts.
- Act for cleaning and enlarging paths and highways.
- Act for bringing in runaway negroes.
- Act for settling the militia.

We have also received several depositions of persons complaining of violence from a Spanish ship, which we recommend to be delivered to the Spanish Ambassador, with request for reparation. Finally, we lay before you Sir William Stapleton's letters of 16th August and 12th November (*see ante, Nos. 204, 291*), respecting the massacre by Indians in Barbuda. [Col. *Entry Bk.*, Vol. *XLVII.*, pp. 27-30.)

Feb. 7. **400.** Journal of the Assembly of Nevis. The Governor proposed the renewal of the Act for an impost on liquor imported into the Island. The Council agreed to continue it for a year from 9th April. The Assembly concurred. The Governor advised that the Acts sent him should be confirmed here every two years to save them from expiry. The Council agreed. The Assembly asked for time to peruse them. Petition from the merchants and inhabitants of Charlestown that there be no fireplaces but with chimneys of brick or stone, and no stalls in the town. Granted by the Council and Assembly. Petition of the taverners for raising the rate of Madeira wine rejected. [Col. *Papers*, Vol. *XLVIII.*, No. 23.]

[Feb. 7.] **401.** Petition of John Ewin to the King. In September 1676 I shipped a cargo on board the Francis, John Warner, master, consigned to William Drummond of Virginia. He was hanged for his share in the rebellion, and Sir John Berry, finding the Francis in James River on his arrival seized the papers and cargo, and

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finding some brandy and wine among it sold it for the King's service. The prime cost to me was 12*l.* I have ever been a faithful subject, and have paid large sums to your customs. I pray reimbursement. 1 *p.* *Inscribed and endorsed,* "Read at the Committee, 7th February 1682." [Col. Papers, Vol. XLVIII., No. 24.]

Feb. 8.

402. Order of the King in Council. Approving the draft of the succeeding letter to Lord Baltimore. *Signed, John Nicholas.* *Copy of letter follows.* [Col. Entry Bk., Vol. XCIX., pp. 123-128.]

Feb. 8.
Whitehall.

403. The King to Lord Baltimore. When we reflect on all the favour shown you by our predecessors we hope that you will be guided by the rules of our charter, but we are not a little surprised to find by divers and undeniable testimony, as well as by the confession of your own letters, that you have obstructed our service and discouraged our officers in the execution of their duty. We have already directed you to aid our collectors and customs' officers in Maryland in all matters pertaining to their office, and particularly for securing to us the dues payable to us by the Act for the better securing of the plantation trade, which imposes, among other rates, one penny per pound on tobacco. We are nevertheless informed that, far from helping our officers to collect this, you have hindered and forbidden them to receive it. In particular we have heard from Nicholas Badcock; our late Controller of Customs in Maryland, that, on the arrival of the ship St. George of London and two other ships, he, finding that the bonds which they had given rendered them liable to the penny per pound, demanded it of them, and, being refused, attended you several times and asked your assistance. You, however, refused to give him the least help, and, on his pressing the request, ordered him to appear before the Council. He then again asked for your aid but was absolutely denied it, and was told not to meddle with such matters for they did not concern him. You acknowledge, in your letter of 7th June to the Commissioners of Customs, that you refused him the receipt of our duties, and hindered him from molesting the masters of the ships in question. The ships, therefore, sailed away without paying the duty, whereby our Customs were damnified to the value of 2,500*l.* We have also been acquainted with your complaints against Christopher Rousby, our present Collector, as if he had behaved himself in a violent and unwarrantable manner, such as tended to discourage trade, diminish our customs, and disturb the public peace. But, on examination of the matter, it appears that you proceeded in a most unjustifiable manner in charging Rousby with great enormities in his absence without giving him notice of your accusations before he left Maryland, which was well known to you four months before he embarked. You have transmitted no sufficient proof of your charges, and we can give no credit thereto. But we command you to let Rousby execute his office peaceably, to afford him therein

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all the assistance that the law requires, and we give you this caution, that if you shall hereafter have any cause of complaint against Rousby, or any other person, you will first show him your accusations and receive his answer thereto, and send both, together with the proofs, to us ; and, though your proceedings, in obstruction of our officers and contempt of our laws are such as might justly cause issue of a writ of *quo warranto*, yet of our clemency we have done no more than to require the Commissioners of Customs to charge you with the payment of the 2,500*l.* lost to our Customs through your fault. We strictly order you in future to see that the laws relating to the trade of our Colonies are carried out. *Signed, L. Jenkins. Endorsed. 5½ pp. [Col. Entry Bk., Vol. LII., pp. 74–80, and Col. Papers, Vol. XLVIII., No. 25.]*

Feb. 8. **404.** Memorandum of the writing of the foregoing letter, with a full summary of its contents. *Draft. 5 pp. [Col. Papers, Vol. XLVIII., No. 26.]*

Feb. 8. **405.** An incomplete version of the foregoing. *Draft. 1½ pp. [Col. Papers, Vol. XLVIII., No. 27.]*

Feb. 8. **406.** Order of the King in Council. That the Commissioners of Customs cause demand to be made for the speedy payment of 2,500*l.* by Lord Baltimore in repayment of the loss caused to the King by his fault. *[Col. Entry Bk., Vol. LII., pp. 80–81.]*

Feb. 8. **407.** Order of the King in Council. Confirming the following Whitehall. Acts of Antigua : Act for cleaning and enlarging common paths ; Act for repairing and cleaning common pounds ; Act for bringing in runaway negroes ; Act for settling the militia.

Acts of Montserrat : Act imposing a duty of powder on ships ; Act for making restitution for cattle stolen by negroes.

Acts of Nevis : Act for ascertaining lands ; Act to encourage buying of servants ; Act to repeal an Act touching payment of sugar ; Act to prevent fraudulent accounts of handcraftsmen ; Act to prevent dangerous fires in Charlestown ; Act to prevent landing of infected persons ; Act to amend an Act to prevent the barbarism of negroes ; Act for Ministers' duties. *[Col. Entry Bk., Vol. LI., pp. 1–46.]*

Feb. 8. **408.** Order of the King in Council. That copies of the Whitehall. depositions sent by Sir William Stapleton respecting the plundering of the ship Agreement be sent to the Spanish ambassador with demand for reparation. *[Col. Entry Bk., Vol. XLVII., pp. 31–32.]*

Feb. 8. **409.** Order of the King in Council. That the Commissioners Whitehall. of the Treasury be desired to take care to provide money for the payment of the arrears of the Governor's salary, and of the pay of the two foot companies in St. Christophers. *[Col. Entry Bk., Vol. XLVII., p. 32.]*

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Feb. 8.
Whitehall.

410. Order of the King in Council. That a copy of Sir William Stapleton's letter of 16th August 1681 be sent to Sir Richard Dutton with orders to confer with Sir William as to the best means of suppressing the Caribbee Indians. Letter to be prepared accordingly by a Secretary of State. *Signed*, John Nicholas. $\frac{1}{4}$ p. *Endorsed*. *Annexed*,

410. I. Copy of Sir William Stapleton's letter of 16th August 1681 (*see ante*, No. 204). [Col. Papers, Vol. XLVIII., Nos. 28, 28 I., and Col. Entry Bk., Vol. XLVII., pp. 30-31.]

[Feb.]

411. The King to Sir William Stapleton. In reply to your letter of 16th August (*see No. 204*) we give you full power to make war on the Indians, and we have written to the Governor of Barbados to concert operations with you, and do all that in him lies to suppress these savage enemies. You also, on your part, will do your best to agree with him for the security of the Islands. If you cannot utterly suppress the Indians you will do your best to drive them to the Main. *Draft*. 2 pp. *Endorsed*, "Barbados." A similar letter *mutatis mutandis* was sent to Sir Richard Dutton. [Col. Papers. Vol. XLVIII., No. 29.]

Feb. 10.

412. Order of the King in Council. Approving the report of the Lords of Trade and Plantations of 31st January (*see ante*, No. 389), and directing a letter to be written accordingly. [Col. Entry Bk., Vol. LXXXII., p. 65.]

Feb. 11.
St. James's.

413. Sir John Werden to Lieutenant Brockholes. The Duke is preparing instructions for you. Meanwhile do your best to keep all quiet and in good order, and the soldiers in discipline. I may hint to you that the Duke may grant to the Colony the privilege that it desires of choosing an Assembly like the rest of the English plantations. Sound the people about this, and try to obtain from them some written undertaking as to the provision of a revenue in future. Report fully to me. Printed in *New York Documents*, Vol. III., p. 317. [Col. Entry Bk., Vol. LXX., pp. 38-39.]

Feb. 13.
Barbados.

414. Sir Richard Dutton to Lords of Trade and Plantations. I have already begged for your instructions what course to pursue in respect of causes that are properly cognizable by an ecclesiastical Court. There has never been such a court established here for the punishment of the highest offenders. The Island is now grown to such importance that it is high time to let the people know that there are religious as well as civil duties to be required of them, that could not so conveniently be provided for in its infancy. They can now digest strong meats, and I am afraid the Government may find the ill-effects of not providing them with it. I have made some essay to let them know that I will not tolerate their former liberties, such as marriage by unqualified persons, and between persons within the prohibited degrees. My attempt had not the success that I had hoped, but it has startled them very much, and

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given them persuasion that I intend to enforce strict conformity with the ecclesiastical laws. I am confident that in this way I shall make them better Christians as well as better subjects. It may appear to be a novelty, and therefore burdensome to them at first, but in a short time, if thoroughly enforced, it will reduce them to a proper obedience. I therefore urge it as of the first importance to have an ecclesiastical person empowered under me, who might be vested with full authority to inflict ecclesiastical censures as provided by law in the English ecclesiastical Courts. What appellation to give him, whether Chancellor or other, I leave to you, but I beg that his patent may declare that he holds office during good behaviour. Mr. John Kenney, Rector of Christchurch, is the man that I appointed surrogate on my arrival; he is very well qualified for the employment, a man who understands the civil laws, and is very zealous for the Church, and I venture therefore to recommend him for the new office. If you approve of my suggestion I doubt not that you will see that his patent gives him proper powers. Mr. Yard, the bearer hereof, a very honest worthy person, will see to the payment of the expenses of the patent.
1 closely written page. *Holograph.* *Endorsed.* [Col. Papers, Vol. XLVIII., No. 30.]

Feb. 15. **415.** Letters of naturalisation issued by Thomas Lord Culpeper to Henry Brunett. *Copy certified by John Fox, Secretary.* 1 p. [Col. Papers, Vol. XLVIII., No. 31.]

Feb. 15. **416.** Instructions to Edward Dudley and John Richards, Agents for the Massachusetts, on arriving in England. 1. Humbly to present the Address, and thank the King for his favour. 2. To beg pardon for the fault of coining. 3. To represent that members of the Church of England have the same liberty as all others. 4. That all laws against dissenters are suspended, except those which apply to all sects. 5. That all Protestants are admitted to the government and contrary laws repealed. 6. That the Acts of Trade shall be duly observed, and the King's officers supported; to disclaim all pretence and forfeitures of contraband goods; to represent that to grant appeals indefinitely in all cases arising out of the King's revenue will be extremely burdensome; that no fees have been taken of the King's officers, except when courts have been called and juries summoned for the purpose outside the usual terms; nor damage given against any officer but in action brought; that all trials for breaches of the Acts of Trade have been by courts and juries upon oath; to pray that the people of Massachusetts may not pay double the duty of the rest of the King's subjects on plantation goods. 7. To show that the rates on strangers were not above one penny per pound, and increased only on inhabitants by reason of the war. 8. To pray for a trial in the place for the inhabitants under Mr. Mason's claim. 9. To give a true relation of the proceedings respecting the province of Maine. The King having informed us that he has no intention of violating our charter, you will therefore neither do nor consent to anything that may violate or

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infringe the liberties conferred by that charter, but if anything tending that way be propounded you will say that you have no instructions, and ask leave to consult us before answering. 10. You will try to satisfy the King and Council in the foregoing particulars, beg the King's consideration of the circumstances of our condition, and beg his pardon for past faults now amended. *Signed for the Court, Edward Rawson, Secretary. 2 pp. Endorsed. [Col. Papers, Vol. XLVIII., No. 32, and Col. Entry Bk., Vol. LXI., pp. 164, 165.]*

Feb. 15. **417.** Duplicate of foregoing. [*Col. Papers, Vol. XXXIII., No. 33.*]

Feb. 15. **418.** Four pages of the Official Gazette of Massachusetts, containing regulations for the erection of a naval office and appointing officers thereto. *Against a clause providing that security shall be given by the prosecutor in cases arising under the regulations, is written in the margin,* Expressly against His Majesty's letter of 21st October 1681. The next clause provides that the officers shall be assisted by local authorities with warrant [*in the margin, but not without*] from the Governor or a magistrate. *Follows,* an order for amending certain clauses of the capital laws. *In the margin,* Their laws were revised and many repealed in January 1680, but the deputies would admit of no more than the changing of words. *Follows a clause headed, Conspiracy :* "If any man conspire and attempt any invasion, &c., against the King's Majesty, his government here established he shall be put to death." *Underwritten, 2 Sam. 3, 2 Sam. 18, 2 Sam. 20, Numb. 6, 16. Against the words "King's Majesty, &c.", is written, "Commonwealth in the former law.* This law was made about "the time they set up to be a commonwealth, and ought to be "repealed." *Printed, 4 pp. [Col. Papers. Vol. XLVIII., No. 34.]*

Feb. 16. **419.** The King to Sir Henry Chicheley. Respecting the petition of William Fisher (*see No. 183.*) We find that several unjustifiable proceedings have taken place and we order you to examine and report to us the whole matter. *Countersigned. Conway. [Col. Entry Bk., Vol. XLIII., p. 167.]*

Feb. 18. **420.** Journal of Lords of Trade and Plantations. Petition of Benjamin Middleton, respecting his estate in the Leeward Islands (*see ante, No. 396 i.*), read. Agreed to report that Sir William Stapleton be ordered to allow no Act to pass in Antigua to petitioner's prejudice.

Draft of Commission and Instructions for Governor Cranfield of New Hampshire, ordered. Agreed to recommend that the Council consist of ten persons besides the Governor, and to report that Mr. Mason asks to nominate as many members of the Assembly as the King thinks fit. Petition of Mr. Mason read, asking the King to declare his rights to the land between Naumkeck and Merrimac. Agreed to report that he have possession within six months unless parties show cause to the contrary. Ordered, that

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a Commission of Vice-Admiralty for Governor Cranfield be required of Sir John Werden.

Read, Sir Henry Morgan's letter of 4th October last, and the Secretary's letter promising to send the whole body of laws. The Lords noticing that a ship is since arrived from Jamaica without the laws, order that the Secretary be directed to be more punctual with his correspondence in future.

Ordered, that in the laws passed in the Leeward Islands the titles of Honourable and Excellency given to the Governor be henceforth discontinued. [Col. Entry Bk., Vol. CVII, pp. 5-9.]

[Feb. 18.] **421.** Petition of Robert Mason to the King and Lords of Trade and Plantations. In March 1679, in consequence of repeated complaints of the encroachments of Massachusetts the King ordered that Government to send over agents. They came in 1676, and after consideration of the case of both parties the territory for three miles north of the Merrimac to Piscattaway was taken out of the hands of Massachusetts; while in July 1679 it was decided that Massachusetts had no right to any country beyond three miles north of the Merrimac or lying between that boundary and the Naumkeck, and that I was the lawful proprietor of the land between the Naumkeck and Piscattaway. On the request of the agents, however, this decision was suspended, and the agents then returned home. The King, however, instructed Massachusetts to send over fresh agents within three months with proof of their title to the lands which they claim; which instruction has never been obeyed. I beg therefore for the King's final decision, for the voiding of the claims of Massachusetts and my establishment as lawful proprietor as already determined. I am willing to remit all arrears to the tenants and ask only a small quit-rent. $1\frac{1}{2}$ pp. Endorsed. Read, 18th February 1681-82. [Col. Papers, Vol. XLVIII, No. 35.]

Feb. 20.
Council
Chamber.

422. Lords of Trade and Plantations to the King. We have prepared a draft Commission for Edward Cranfield as Governor of New Hampshire; but forasmuch as Robert Mason claims a right of property in the soil of the whole province, we have added a clause empowering him to nominate and appoint two deputies to sit and vote in the General Assembly. Signed, Anglesy, Ailesbury, Arlington, Craven, Worcester, L. Jenkins. [Col. Entry Bk., Vol. LXVII, p. 32.]

Feb. 21.

423. Minutes of Council of Barbados. William How and John Daniell sworn as Judges of the Courts of Common Pleas for two precincts. Thomas Walrond took the oaths of allegiance and supremacy. Petitions of Daniel Bueno and Anthony Graner, on behalf of the Jews of St. Michaels respecting church and highway levies, considered. Order for Commissioners to inquire into the charitable endowments of the several parishes. Adjourned to 21st March. [Col. Entry Bk., Vol. XI, pp. 507-509, and a second entry on p. 513.]

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Feb. 28.

424. Journal of Lords of Trade and Plantations. Draft commission for the Governor of New Hampshire approved and ordered to be reported to Council, with an additional clause granting the proprietor the nomination of two members of Assembly. Mr. Mason reported the misbehaviour of Richard Waldern and Richard Martyn, and that they stood accused of high crimes. The Lords thought that they should nevertheless be continued of the Council, but that Mr. Cranfield be directed to suspend them on his arrival, and not re-admit them, if he see cause, until, after a report and examination of the whole matter, the King order otherwise.

Draft letter to Sir William Stapleton approved. [Col. Entry Bk., Vol. CVII., pp. 9-11.]

Feb. 28.
Charlestown.

425. Journal of Assembly of Nevis. The Assembly asked to peruse the Acts sent home before confirming them. List of the Acts. The Assembly confirmed them and sent them up to the Governor and Council. [Col. Papers, Vol. XLVIII., No. 23.]

March 1.

426. Minutes of Council of Virginia. Writ to summon the Assembly on 18th April 1682. Extract from Lord Culpeper's letter to Colonel Bacon. If I should not come by the 15th December call the Assembly for some day between 10th and 23rd April. [Col. Entry Bk., Vol. LXXXIV., pp. 99-100.]

March 3.
Whitehall.

427. Order of the King in Council. Report of Lords of Trade and Plantations. The officers of the port of London sent us a month's account of imports and exports for October last, but represent that the work of preparing it was very troublesome and expensive, and therefore beg to be excused in future from drawing up similar returns, or to be allowed a competency for doing so. We recommend that these officers, who hold their posts by patent, should be summoned to this Board to receive your decision. Dated 28th February 1681-82. Ordered thereupon that the officers without any further excuse or delay furnish the monthly return regularly in future, in the same form as that already furnished. [Col. Entry Bk., Vol. XCVII., pp. 81-82.]

March 4.
Charlestown.

428. Journal of Assembly of Nevis. The Acts sent home were confirmed by the Council and Governor. Proposals drawn up at the last meeting of Assembly were submitted to the Governor and Council, and answered as follows: Proposal for quarterly survey of powder imported and expended. Accepted. Proposed to view the table of fees to prevent exactions. Done already. Proposed to enter cider in the Act of liquors to be sold by taverners at $7\frac{1}{2}d.$ per quart. Entered already. Proposed to insert Morton Bay in the Act for suppressing stills. Already done. Proposed to inspect every merchant's house, and see whether he has 56 lb. of powder in his house according to Act. Inspectors appointed. Proposal that negroes, cattle, mills, &c., be appraised under the Act concerning outcries as well as lands and houses. Proposal that all persons shall plant corn proportionable to their families. Deferred. Counter-proposals of the Governor and Council to the Assembly:

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That all men from fourteen to sixty years of age appear in arms, and that on alarms negroes be armed with lances. Ordered. That there be a penalty on men who put their slaves or servants to work on the Sabbath. Ordered to remain unaltered. Concerning baulking of actions in Court. Deferred. Concerning privileges of Assemblymen. Ordered to remain unchanged. Concerning an increase of still licences. Ordered. Slaves not to be taken off their masters' plantations without consent of the Assembly. There is an Act to the contrary. Concerning unauthorised payments by the Treasurer. Ordered to remain unchanged. Concerning renewal of the Act for not trading with negroes. Ordered. Concerning penalties for poisoning of pounds [? ponds]. Ordered to be reduced to an Act. Concerning bonds given in security for persons leaving the Islands to the creditor or creditors to whom they are indebted. Ordered that a new form of bond be drawn up for next meeting. Petition of Ebenezer Kirtland for remission of his predecessor's debt to the Government. Granted, but not to be made a precedent.

[*Col. Papers, Vol. XLVIII., No. 23.*]

March 5.
Council
Chamber.

429. Lords of Trade and Plantations to Sir William Stapleton. We have received your letters of 26th July, 16th August, and 12th November. You will dispose of the 1,500*l.* granted by the King in building a fort in each of the Islands, not in building a single fort in some one of them as you propose. The King has confirmed such of the Acts as were fit. But the Act of Antigua for enabling Thomas Ball to sell land we could not approve, not thinking it right that the estate of a private person should be disposed of by Act except on extraordinary occasions. If the land referred to be not already sold, you will suspend the execution of the Act. We see no reason why the Acts of all the Leeward Islands should not be made alike, as you suggest, by you or your Deputy Governors at the meeting of the Assemblies. We desire your explanation of your reasons why the Act for extent of land and slaves should be a hindrance to the thorough settlement of Antigua. Should any other Acts made before your Government seem to you to be unfit to be continued, you will signify the same in like manner. We notice also that the Act for an impost on strong liquors in Nevis and other islands is continued from year to year. As continued and certain expense must be provided for, it should be by perpetual Acts, it being derogatory to the King's honour that the support of the Government should be left precarious by temporary Acts. We think, therefore, that all such certain expenditure shall be met by perpetual laws, the revenue thereof being carefully appropriated, while casual expenditure may be met by temporary laws. You will represent this to the Assemblies. Again, it is not right that the direction of commissions of oyer and terminer should be left to the Assembly as provided by an Act of Nevis of 12th October 1680, but that the same should be issued under the public seal at the discretion of the Commander-in-Chief. You will give orders that in future the enacting clause should run thus: "By the Governor (or Deputy-Governor), Council, or Assembly." No other

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titles or distinctions than those in the King's Commission are to be used in the body of the laws. All fines and forfeitures, except in special cases, are to be mentioned in the Acts as to be applied to the King for the support of the Government. And since you say that it will be hard for the poorer sort of people to remain in durance for payment of small fines, we see no reason why people should not be permitted to work so as to discharge the fines imposed on them. The King has permitted you by order under his sign manual to suppress the Indians, and has ordered Sir Richard Dutton to co-operate with you. The ill-treatment of the ship Agreement has been represented to the Spanish ambassador. As to three hundred malefactors appointed by the King for transportation to the Leeward Islands, all that is now wanting is a person who will give security to deliver them safely. You will inform your Council that we have received their letter of June and July 1680, and wonder much to have received no more. We expect from them as from you a quarterly account of all transactions of the Government, and of the proceedings of Council and Assembly. *Signed Halifax, Hyde, L. Jenkins, J. Ernle.* [Col. Entry Bk., Vol. XLVII., pp. 32-37.]

March 7.

430. Proceedings of the General Assembly of New Hampshire. Walter Barefoot, William Hoskins, and Thomas Thurton (in custody) were brought up to answer the complaint of Robert Elliot that they had illegally seized his barque the Gift of God. Barefoot admitted the seizure, and that Hoskins and Thurton had acted under his orders in effecting it, also in hoisting the King's colours in the ship [*in the margin in Randolph's hand*, False, only in their boat]. He acted under Mr. Randolph's orders. Hoskins and Thurton also admitted the seizure.

March 8.

The Defendants again appeared, and produced their commissions from Mr. Randolph, the King's Collector.

March 10.

Sentence of the Court. Barefoot is fined 20*l.*, and the other two 5*l.* apiece, which is respite during good behaviour, for breach of the peace; also 1*l.* apiece costs. The complainant is left to the law for his damages. *Copy. Certified by Richard Chamberlain.* 1*½ pp.* *Endorsed.* Reed. from Mr. Randolph, 23 June 1682. [Col. Papers, Vol. XLVIII., No. 36.]

March 8.
St. Jago de la
Vega.

431. Sir Henry Morgan to [Sir Leoline Jenkins]. Since the execution of the three pirates by the King's orders, the whole party which for the last two years has molested the Spaniards in the South Seas is, by the help of a Spanish pilot, come about to the Windward Islands. Sixteen of them are gone for England with their leader, Bartholomew Sharpe; the rest are at Antigua and the neighbouring Islands, except four that have come here. One of them surrendered to me, the other three I have with much difficulty discovered and apprehended. They have since been found guilty and condemned. He that surrendered is like to obtain the favour of the Crown as an informer. One of the condemned is proved a bloody and notorious villain, and fit to

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make an example of; the other two are represented to me by the judges to be fit objects for mercy, so I shall proceed no further in their case till the King's further orders. I am heartily glad of the opinion of the Court, for I abhor bloodshed, and I am greatly dissatisfied that in my short government I have been so often compelled to punish criminals with death. The passage of this people is extraordinarily remarkable, for in little more than four months they came from Coquimbo in Peru, in five degrees south latitude, to Barbados in thirteen north. Our logwoodmen have lately had eight of their vessels taken from them and their people carried away prisoners. Their usage appears by enclosed petition (*see ante*, No. 385). I learn that in the Havana, Merida, and Mexico many English are prisoners; and the Spanish pilot that brought the pirates (who is here) told me that Sir John Narborow's lieutenant and nine or ten others are at Lima in Peru. They are all great objects of compassion, so I hope you will not be unmindful of them. I cannot send the muster rolls of the militia by this opportunity as I had hoped, for they are not yet brought in as I had ordered, but I make use of Captain Charles Swan to carry you our body of new laws. I hope from my heart that they will please the King. Sure I am that neither the Council nor myself left anything undone that might conduce to the observance of the King's instructions. I was unwilling at first to pass the Revenue Bill, though I had gained the main point of getting the revenue settled for seven years, because I found in it limitations that seemed to encroach on the Royal prerogative, and distrust of the justice of Governors. The enactment, of their own authority, that an Assembly should be held annually for at least ten days, the examination of the expenditure of the thousand pounds a year on fortifications, and the tacking of the laws to the Revenue Bill are instances. We contested these points in vain. [*Recapitulates the substance of the Council's letter of 17th January, ante No. 367.*] I afterwards examined the Council apart on their oaths as to what they would advise me to do herein. They said that, as I had carried the revenue, it would be hard to let the country be without laws for what might not after all be displeasing, since the King if he pleases may still reject these laws. If I have done wrong, it is not from any want of care or diligence to obey the King's instructions. If I have mistaken his meaning I must crave excuse. But I intreat that, if any amendment be made in these laws, it may be done with great caution, for it was only with much interest, time, and expense that I obtained what I did, and if these laws be rejected it will be hard to get the like again. About a month ago one Captain Peter Pain (*see ante*, Nos. 364-366), commander of a ship hired from the French King called La Trompeuse at five hundred francs a month, came in here from Cayenne, where he heard of the severe persecution of the Protestants at home. He requested that he might have the same favour from me as those of his opinion have in England, as he designed to live and settle among us to avoid the inconveniences undergone by those of his profession at home. I called the Council, and on con-

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sideration admitted him to settle here on his taking the oath of allegiance, which he immediately did. He has taken out letters of naturalisation since. We warned him that we would not be concerned with his ship, which he must send back according to contract to its port. I do not know if I have done right herein. Sure I am that both I and the Council wished to follow the dictates of humanity as well as those of law and reason. The local Act justified our action, and we had a good precedent for it in England. If I have done amiss I hope my good intent will excuse me; if the French Captain has wronged any one (which I am not aware of) his estate is here to make it good. In December I received orders to disband the two foot companies in pay. Though there was reference to former orders these were the first that came to my hands. I have obeyed the instructions therein. *Signed*, Hen. Morgan. 3½ pp. [Col. Papers, Vol. XLVIII., No. 37.]

March 8. 432. Duplicate of foregoing. [Col. Papers, Vol. XLVIII., No. 38.]

March 8. 433. Triplicate of foregoing addressed to the Committee, with trifling variations. *Endorsed*. Read at Committee 28 Oct. 1682. Read at the Council, 22 May 1682. [Col. Papers, Vol. XLVIII., No. 39; and Col. Entry Bk., Vol. XXX, pp. 63-69.]

March 8.
St. Jago
de la Vega.

434. Sir Henry Morgan to Sir Leoline Jenkins. Knowing your goodness and willingness to help me, I presume to acquaint you that I have had very hard usage shown to me, for, after all the care and trouble I have undergone and the expense to which I have been put for the support of the Government, I find that my salary is taken off in England. Moreover, the money of the Vyner, a ship condemned here, has been applied to the payment and discharge of the companies, whereas hitherto upon such condemnation one-third has always been allowed to the Governor. Further, my pay, as Captain of one of the Companies, has been taken away from December 1680 to the middle of December last, when they were disbanded. I was blamed for not having disbanded them before, but I never received any orders until then, and they were no sooner delivered to me than they were obeyed and the Vyner's money paid. So that, notwithstanding that all helps are taken from me, the whole charge of the Government lies on me. I need not press further a matter which is apparent to you, but I beg that, when anything offers, I may receive some compensation. *Signed*, Hen. Morgan. *Postscript*.—The bearer hereof, Major Ralph Featherston, was lieutenant of my company, and can give you a good account of it. I have desired him to move for the residue of our pay, and beg you to help him therein. 1 p. *Endorsed*. [Col. Papers, Vol. XLVIII., No. 40.]

March 8.
Barbados.

435. The Governor and Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of public affairs and of imports. *Signed*, R. Dutton, Fran. Bond, Richard Howell.

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Alex. Riddocke, Edwyn Stede, John Witham, Thomas Wardall.
1 p. Endorsed. Mem.—That all the proceedings of the Council,
except of 21st February, was comprised in a former account.
Inscribed. Rec. 22 May 1682.

March 8. **436.** Duplicate of foregoing. Recd. 29 August 1682. [Col. Papers, Vol. XLVIII., Nos. 41, 42, and Col. Entry Bk., Vol. VII., p. 128.]

March 11. **437.** Lord Baltimore to William Blathwayt. I send the enclosed for your perusal. Pray let Lord Anglesey and Sir L. Jenkins have a sight of them. I also send you some copies. One is a letter from myself and Council to Captain Anthony Brockholes, Commander-in-Chief in New York. It was occasioned by some murders that were perpetrated (as we suppose) last summer by the Northern Indians, though I cannot say that we have good ground for the supposition, for we have no knowledge of a great descent of Northern Indians in the part of the province where the five men and one woman were killed on the 15th June last. Still, being unable to fix the murders on any of our neighbouring Indians, and having certain information that several parties of these Indians intend again this spring to visit Maryland first and then Virginia,—the pretext for coming hither is war with a tribe called the Piscattaways and Nanticokes, and for coming to Virginia a war with the Panunkeys and Nanzaticoos in the Rappahannock,—we therefore resolved to see what favour and assistance New York would give us, being well assured that it is in its power to avert mischief both from Maryland and Virginia if they please. For it is from New York that these villains receive their yearly supply of powder and shot, without which they would not venture so low as they have ever since my return to Maryland. I hope to receive an answer within a month, and, if we find no more readiness and favour from the present Government than Colonel Coursey did from Sir E. Andros five or six years ago (at which time there were articles of treaty made with the Indians), we must address ourselves to the King and Privy Council. When I was last in England I met Sir E. Andros at St. James's and found him very apprehensive that I should have complained to the Duke of York of the great obstruction which he gave to Colonel Coursey in his negotiations at Fort Albany, and had he not made great professions of his readiness to serve Maryland in future whenever we should have occasion to renew these articles, I certainly should have complained to the Duke of York. This would have been very injurious to him, for he was at the time under a charge brought against him by some merchants that dealt with that Government. The other copy I send you to show you how unkind and unneighbourly William Penn has been. Before he could have an assurance of the line being drawn between Maryland and Pennsylvania, he writes a letter, copy enclosed, to several gentlemen of my province, who are as certainly from twenty to twenty-five miles within the degree of forty as

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my own residence is within it. I am privately assured that a friend sent over by Penn has privately taken observations at the head of the bay, and now gives out that, if William Penn be mistaken in the assurances given him by masters of ships, that the line would fall very low in Maryland, he must then be compelled to purchase a port of Baltimore, or their ships must enter and clear in Maryland. The reason why the line has not yet been laid out is in truth as follows: About the end of August came one Captain William Markham, a kinsman and deputy-governor under William Penn, who brought me not only a letter from Penn, but the King's orders specially to settle the boundaries of Pennsylvania and Maryland. In obedience to these orders I assured Captain Markham of my ready compliance, and left it to him to appoint the time when I should send persons to meet him for the purpose. He had not been above three or four days at the city of Maries, where the Assembly was at that time sitting, when he fell ill owing to the excessive heat. Not to be wanting in courtesy to Penn I caused him, in kindness, as being Penn's cousin, to be brought to my house, about eight miles from the city, where he was so ill that it was feared he would die. After three weeks he recovered somewhat, and, at his request, I sent him to Uplands, where he now resides. Before he went we agreed to meet on the 16th October at the head of the bay, but, finding it necessary to go to New York, wrote to put it off till the 26th. Before that day he fell ill again, and sent to me that he could not attend to the business of the boundaries till the spring. I sent both these letters of Markham's to Penn in a letter of my own, and by them he will be satisfied as to my care for his cousin, and my willingness to settle the boundary. I am now pressing Markham to settle it out of hand, for Penn's letter has caused great disturbance in the upper counties, where the people hope soon to be under no government. *Signed, C. Baltemore. Two closely written pages. Endorsed with detailed précis.* Recd. 24 April 1682. Enclosed,

437. i. The Governor and Council of Maryland to Captain Anthony Brockholes. The Northern Indians, with whom Colonel Coursey concluded a treaty some years since, have lately violated the same, not only by plundering and destroying, but by murdering some of the inhabitants of our frontier plantations. This makes us suspect that they have forgotten their league of friendship with us, or intend no longer to respect it, and we have consulted deeply and anxiously how we may best proceed for the avoidance of bloodshed, and for the peace and security of our inhabitants. We called to mind the effective care taken by your government for the security of your inhabitants at Delaware by giving the Indians free trade on condition of peace and amity, and felt encouraged to ask for the like assistance from you for the inhabitants of this province, namely, that you will prohibit any further trade with those Indians unless they will desist from acts of hostility against us, and keep the peace

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which we are always desirous to maintain with them. We have entrusted this message to Captain Richard Hill, and, as your fellow subjects, we hope that you will consent to it, assuring you that we shall not fail to give you the like neighbourly help on occasion. *Signed,* C. Baltemore, Philip Calvert, William Calvert, Vincent Low, Thomas Taylor, Wm. Digges. Dated St. Marie's City, in Maryland, 4th March 1682. *Copy.* 1 p.

437. II. William Penn, to James Frisby, Edward Jones, Augustin Harman, George Oldfield, Henry Ward, and Henry Johnson, at their plantations in Pennsylvannia. "My friends. I hope I do not improperly call you so, because in being so you will extremely befriend yourselves as well as perform an act of duty to the King and of justice to me. I am equally a stranger to you all, but your being represented men of substance and reputation [in your part of the bay which I presume falls within my patent I hope to take this opportunity to begin our acquaintance, and by you, with the rest of the people on your side, of the country; and I do assure you and them that I will be so far from taking any advantage to draw great profits to myself that you shall find me and my government easy, free, and just. And as you shall study to be fair and respectful to me and my just interests I will not be short of giving you all reasonable assurances on my part that I will live kindly and well with you, and for this you have my word under my hand. I think fit to caution you (if within my bounds as I am ready to believe; but I desire no more than my own) that none of you pay more taxes or assessments by any law or order of Maryland, for if you do it will be greatly to your own wrong as well as my prejudice, though I am not conscious to myself of such an insufficiency of power here with my superiors as not to be able to weather that difficulty if you should. But the opinion I have of the Lord Baltimore's prudence as well as justice, and of the regard to your own interest and future good of your posterity makes me to waive all objections of that nature, and to hope we shall all do the thing that is just and honest (which is always wise) according to our respective stations. I have no more to add but my good wishes for your happiness, and that by the help of the Almighty God next spring you shall have some testimony of my best endeavours to contribute towards it, as becomes my duty to God, to the King, and to their people. Pray salute me to all your neighbours, your real friend, Wm. Penn." *Dated,* London, 16th September 1681. *Copy.* 1 p. *Endorsed.* Reed. 24 April 1682. [Col. Papers, Vol. XLVII., Nos. 43, 43 i., II.]

March 13. 438. A charge of Articles exhibited unto Captain Flor. Seymour, Governor, by John Stow, against Mr. John Huchings for speeches

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maliciously and advisedly published to the stirring up the people to dislike of the King's person and Government by his patent and printed laws establishing the Somers Islands. 1. That Huchings at a public meeting in Pembroke tribe church on 18th January 1681-82 gainsaid John Stow for certain words spoken by him, to which Stow rejoined that they were the King's words, being a copy of an order then in his hand. 2. John Stow held out the said order and desired Mr. William Pitt to read it, when Huchings forbade him, though the copy was authorised by the usual formalities to be read. 3. Huchings then asked slightly whence came the order; Stow answered, from Whitehall; to which Huchings replied that if Stow were in England the people would use the order for very different purposes, speaking always in malice and contempt of the King's order. Evidence in support of the articles. The attestation of John Stow, recapitulating the substance of the articles March 1681-82. The attestation of William Pitt, in confirmation of the same, same date. The attestation of Nathaniel Bethell, senior, in further confirmation, same date. *Copies. Certified by John Tucker, Secretary of the Somers Islands, 17th May 1683. The whole 5½ pp. Endorsed. [Col. Papers, Vol. XLVIII., No. 44.]*

March 14. **439.** Journal of Assembly of Nevis. Proposed by the Governor Charlestown. and Assembly that timber be obtained for gun-carriages as soon as possible. The Assembly agreed. Voted that James Walker, Speaker, Thomas Belchainber, John Pruett and John Smargin be a committee to examine the Treasurer's accounts. The Acts sent home were confirmed by the Governor and Council. *[Col. Papers Vol. XLVIII., No. 23.]*

March 17. **440.** Journal of Assembly of Nevis. Voted, that if the Governor puts in one of the Council to examine the accounts of the country, the Assembly resolves unanimously that it is not the Council's concern but wholly the Assembly's; that the Governor be reminded to set up marks to show the bounds of the Island; that he will sign executions as formerly. On a former proposal concerning negroes to be sold by appraisement, the Governor and Council agreed to the drawing of an Act for the purpose. It was agreed also that an Act be drawn to enact that each man plant 1,000 plants ground (*sic*) in provision for each working slave, and another Act against baulking of actions. *[Col. Papers, Vol. XLVIII., No. 23.]*

March 17. **441.** Petition of Francis Branson to the King and Committee of Plantations. Petitioner was commander of a ship called the Anne and Hester, being bound for Boston in 1680, hired a Scotchman, William Kelso, for the voyage as chirurgeon, who upon the 16th April being then at sea bragged that he was surgeon-general in the late rebellion in Scotland and related the manner of his escape after the fight, and that he knew those who murdered the late archbishop of St. Andrews. By his discourse he seemed to be one of those bloody murderers. Petitioner said nothing to him at

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the time, intending to have him arrested on his return to England. After arrival at Boston Kelso kept constantly ashore for ten weeks, wholly neglecting his duty, and refused to come on board. The ship being ready to sail petitioner complained to the magistrates then sitting in court of his surgeon, and prayed their authority to order him on board. But Kelso had so insinuated himself with several of the magistrates and preachers by telling them that he was a Scotch gentleman and covenanter, and in particular with one Chickley, who calls himself the king's attorney, boasting to him that he had been of the late rebellion, that petitioner was ill-spoken to by some of the court and ordered to discharge Kelso, paying him his wages to that day. Seeing that he could not get back Kelso to England petitioner lodged an information against him on oath (*copy annexed*) in the said Court, but the Court took no notice of it but showed him great respect and kindness. Kelso was entertained by several of them at their houses. The Court ordered petitioner to pay Kelso 40*l.*, and on his refusal caused him to be imprisoned, his ship arrested and the sails to be taken from her, valuing them at 17*l.* 4*s.* 0*d.* whereas they were worth 100*l.* They also discharged his seamen. Petitioner to release himself and redeem his sails was obliged to take up money on bottomry, and though he showed that he was obliged to pay Kelso's creditors 20*l.* out of his wages on the return of his ship to England, yet the Court would not allow it. Thus petitioner was detained in Boston over six months and himself and his owners damnified to the amount of 1,000*l.* Prays redress. 1 *p.* *Endorsed.* Recd. 17 March 1681-82. *Annexed,*

441. i. Deposition of Francis Branson containing the allegations above recited against Kelso as to his share in the rebellion and in the murder of the archbishop of St. Andrews. Sworn at Boston, 4 Jan. 1680. 1½ *pp.* *Endorsed.* Recd. 17 March 1682. [*Col. Papers, Vol. XLVIII., Nos. 45, 45. i.*]

March 17. 442. Return of goods imported and of shipping from 17 December 1681 to 17 March 1682. 3 *pp.* [*Col. Entry Bk., Vol. IX., No. 4.*]

March 20. 443. Minute of Lords of Trade and Plantations. On this day a letter dated 5th instant was sent to William Stapleton, together with the Acts of Leeward Islands which had been confirmed by the King in Council on 8th February. *List of Acts follows.* [*Col. Entry Bk., Vol. CVII., pp. 11-13.*]

March 21. 444. Minutes of Council of Barbados. Order for Mr. Richard Bate, son of the late Colonel William Bate, to supply a return of arms in the magazine and of ammunition; the Colonels of horse and foot or their legal representatives also to give an account of the arms delivered to them, and Colonel John Codrington to give an account of the arms and stores sold by him. Thomas Bringhurst appointed caretaker of the powder. Captain Joseph Salmon, cobbler and anabaptist, was summoned before the Council for holding conventicles where he preached false and seditious teaching. Being

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rebuked by His Excellency he said that there was general liberty for all to exercise their religious talents, but that if he ordered him to hold no more conventicles he would forbear. [Col. Entry Bk., Vol. XI., pp. 514-516.]

March 22. **445.** Order of the Privy Council. That Secretary Jenkins prepare fresh letters for the King's signature to the Governor in the West Indies, ordering them to assist and uphold the factors of the Royal African Company. *Signed*, Thomas Dolman. 1 p. *Endorsed*. Recd. 24 March 1681-82. [Col. Papers, Vol. XLVIII., No. 46.]

March 22. **446.** Order of the King in Council. That Sir Leoline Jenkins write forthwith to the Governors of the Colonies of New England to apprehend and send to England William Kelso. *Signed*, Phi. Lloyd. *Follows* a copy of the deposition of Francis Branson (see ante, No. 441 i.). [Col. Entry Bk., Vol. XCIX., pp. 179-181.]

March 25. **447.** Governor Sir William Stapleton to Lords of Trade and Plantations. At my last visit to the English portion of St. Christophers I found a New England vessel trading there, of which one Henry Brunet, a Rocheller-born, was part owner. I ordered her to be seized and condemned, but in respect to the enclosed naturalisation (see No. 415) deferred execution, taking security for the value of the ship and cargo in case the naturalisation should be held ineffectual or not to extend to all the foreign colonies. I beg your instructions in this matter. The French General was very inquisitive to know whether there was any power in those parts relating to the Articles of Neutrality, with a comprehension of Jamaica and Barbados, and whether the Governors of the respective places would sign the same. He sent me some prisoners he had of the inhabitants of the English part of the Island, who tried to steal fifteen negroes and a white woman out of the French territory. They were caught in the fact at midnight, and the act could not be justified without giving the French the right to treat us in the same way and setting the two nations to cut each other's throats. I beg again for the orders I have already requested as to the two companies in garrison at St. Christophers. They are in a worse condition than I can describe, worse even than the Spanish citadel garrison whom travellers might have seen begging. The poor soldiers on the frontier line see with heartburning their neighbours paid every month on a table or a drum head, while we are four years in arrear on the 7th July next. *Holograph*. *Signed*. 1½ pp. *Endorsed with a long précis*. Recd. 16 May 1682. [Col. Papers, Vol. XLVIII., No. 47, and Col. Entry Bk., Vol. LVII., pp. 37-38.]

March 26. **448.** Lord Baltimore to William Blathwayt. By my last I sent you copies of letters from William Penn, and from the Council here to the Government of New York. I now send you one received lately from Colonel Cadwallader Jones who commands the fort on Rappahannock river by which you will see that Captain Josias

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Fendall (lately banished Maryland) is now a resident in Virginia where there is a particular eye over all his actions (*see No. 397*). He is certainly the most likely person in both these Governments to take advantage of the discontent in Virginia to stir up another rebellion there, and had he not been narrowly watched whilst he was in Maryland he would have broken out last summer here, and then our neighbours in Virginia would not have remained long quiet. As it is both Colonies are now at peace. There is some dissatisfaction in Virginia about cohabitation, but of this you have probably heard. There will be an Assembly in Virginia next April so that I expect overtures from thence for a cessation of planting tobacco, but I know not what their powers in the matter may be, and until I know I shall attempt no such thing. It is certainly thought that unless some expedient can be found to raise the price of tobacco, ruin is nigh certain. One year's cessation might do good, if the King's revenue were not thereby diminished; but we could not be certain, even if we enforced cessation here, that there would not be as large quantities of tobacco from elsewhere, as there has always been when tobacco has commanded a good price. For my part though a cessation would be prejudicial to me, I shall gladly submit to it for the general good, if the King leave it to Maryland and Virginia to decide. My service to Lord Anglesey and to Sir Leoline Jenkins. *Signed, C. Baltemore. Holograph.* 1½ p. *Endorse^d.* Recd. 30 May 1682. [Col. Papers, Vol. XLVIII, No. 48.]

March 28. **449.** The Duke of York to Lieutenant Brockholes. It is my intention, as Sir J. Werden hinted, to grant to New York the privileges, and particularly an Assembly, of other English colonies. But I shall expect the colony to provide funds for the support of the Government, so do your best to persuade the best people to comply. *Printed in New York Documents, Vol. III., p. 317. [Col. Entry Bk., Vol. LXX., pp. 38-39.]*

March 28. **450.** Petition of John Farmer to the Assembly of Barbados. To end a difference about arrears of an old debt petitioner confessed judgment at the Hole Court to Colonel Colleton, Attorney to Sir John Roberts, for a quantity of land, a number of negroes and a large sum of money; and on this both parties agreed to submit their points of difference to referees, successive referees to be appointed if the first failed to report. The first referee did fail to report, and Colleton pressed the Court for execution on the whole judgment, or ten times more than petitioner's debt. The Court refused and petitioner thought himself safe; but Colleton in Sir J. Atkins's time got two orders from the Governor and Council for the execution of the whole, and is now pressing for a third. Prays for the Assembly's good offices in his behalf. *Copy. 1½ pp. Copied below.* Minute of the Assembly recommending petitioner earnestly to the favourable consideration of the Governor and Council. ½ p. *Endorsed.* Recd. 28 Mar. 1682. [Col. Papers, Vol. XLVIII, No. 49.]

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- [March 28.] **451.** List of the laws in force in Barbados wherein any penalties raised are appointed to the use of the public. Thirteen Acts in all. *Inscribed and endorsed.* Rec. 28 March 1682. 1 p. [Col. Papers, Vol. XLVIII., No. 50.]

- March 29. **452.** The King to Sir Richard Dutton. Warrant for the Newmarket. appointment of Robert Davers to the Council. [Col. Entry Bks., Vol. XCIII., p. 167a, and Vol. VII., p. 152.]

- March. **453.** Commission to Edward Cranfield to be Governor of New Hampshire. Forty-seven clauses. Clause 25. The respite of criminals, except in cases of murder, is to be reported. Clause 33. Liberty of conscience is granted to all Protestants. 34. The Governor and Council to continue existing taxes till others be levied by the Assembly. Clause 42. The Council to administer the Government in case of the Governor's death, the Councillor first named in the Commission to preside. Clause 44. Mason's title recited. He undertakes to ask no arrears and confirm all possessions, but (45) will take sixpence in the pound quit-rent on the value of real property. The Governor to decide all disputes between him and the inhabitants. *Undated, a blank being left for the day, but the month inserted.* Passed the great seal 9th May 1683. [Col. Entry Bks., Vol. LXVII., pp. 34-51, and Vol. XCIX., pp. 129-143.]

- [March ?] **454.** Instructions to Edward Cranfield, Governor of New Hampshire. Clause 11. Richard Waldern and Richard Martyn to be suspended from the Council. 13. No Council to be held in taverns, or places of public entertainment. 36, 37. Neighbouring Colonies to be helped in their time of distress, and their help to be invoked in turn. Forty clauses in all. *Undated.* [Col. Entry Bks., Vol. LXVII., pp. 51-62; and Vol. XCIX., pp. 147-157.]

- [March ?] **455.** Circular letter from the Lords of Trade and Plantations to the Governor and Council of New Hampshire. Requiring quarterly returns of all transactions and of trade. *Signed,* Anglesey, Arlington, Ailesbury, Craven, Clarendon, L. Jenkins. [Col. Entry Bk., Vol. LXVII., pp. 62-64.]

- April 1. **456.** Robert Mason's surrender of one-fifth of all rents, profits and revenues, and all fines and forfeitures to the King. *Inscribed, "I approve of this draft. R. Sawyer."* Broad sheet. Endorsed. [Col. Papers, Vol. XLVIII., No. 51, and Col. Entry Bk., Vol. LXVII., pp. 33-34.]

- April 3. **457.** Protest of Edward Randolph against the proceedings of Boston. the General Court of Massachusetts. The General Court of this Colony under pretence of the satisfaction of the King and regulation of trade have invaded the power granted only to the Governors of the King's Colonies, and have translated that power to the Secretary of the Colony, as is proved by their written paper of

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25th March. They have also neglected to publish the Act for regulating the Plantation trade of 25 Car. II., and have refused to publish the Royal proclamation of 24th November 1675, thereby invalidating the authority given to his Commissioners by Patent of 15th October 1681, and further have specified in the same paper that prosecutors under the Acts of Trade should give security before warrant issued, and that any person damnified by wrongful search or seizure may recover damages, which is expressly contrary to the King's letter of 2nd October 1681. This written paper being repugnant to the laws of England, and to the instructions issued to Edward Randolph, the said Edward Randolph hereby records his protest against the same, and declares his powers to be valid, notwithstanding the said paper. Boston, 3rd April 1682.

Written below: 4th April 1682. I then showed Mr. Robert Howard, of Boston, public notary, the protest above written, but he being unwilling to be concerned in it, I thought it necessary for the King's service to publish it on this 6th April 1682. $1\frac{1}{2}$ pp. *Top edge much damaged.* *Endorsed with a long précis.* Recd. 23rd June 1682. [Col. Papers, Vol. XLVIII., No. 52.]

April 3.
Barbados.

458. The Secretary of Barbados to William Blathwayt. Nothing has happened since my last, and the Sweepstakes is not yet arrived with Sir Thomas Lynch. The Commissioners of the Four-and-a-half per Cent. have not yet furnished their fourth year's book of accounts and of the revenue ended Christmas last, but promise it in a few days, when it shall be transcribed and sent. *Signed,* Edwyn Stede. $\frac{1}{2}$ p. *Endorsed.* Recd. 22nd May 1682. The proceedings of the Council, except of 21st February were all sent with the last returns. [Col. Papers, Vol. XLVIII., No. 53.]

April 5.
St. Jago de la
Vega.

459. Copy of the pass issued by Sir Henry Morgan for the ship La Trompeuse (*see ante*, No. 364). 1 p. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 54.]

April 6.
Nevis.

460. Governor Sir William Stapleton to Lords of Trade and Plantations. My last was by one of the Royal African Company's ships, and enclosed the naturalisation of one Brunet, a Rocheller, granted by Lord Culpeper (*see No. 415*). I enclose copy of an Act of St. Christophers, which could not be sent before. Pray send your approval or disallowance, and the King's assent or dissent, to this and to the Acts sent by Colonel James Cotter. There are some more passed, but not yet drawn fit for your perusal. I beg for speedy payment for the companies at St. Christophers, whose wages will in July be four years in arrear. My own salary is equally in arrear, and my arrears in Sir Tobias Bridge's regiment; also 750*l.* of the fort money. I beg also for eighty or one hundred soldiers to be sent here once in two or three years, not only to recruit the company and fill death vacancies, but to supply the

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places of the married men who turn planters. By this means the island would be timefully strengthened in some proportion to our neighbours whenever the King shall think fit to disband the companies, and such married men will take up the land of the Frenchmen who by the Act will be forced to desert the English territory. The Comte de Blenac is ordered home. He expects Mons. Gabaret or Mons. Tourville with four ships to relieve him and transport him home. He has been asking for his *congé* any time the last two years. *Postscript.*—I have given up Statia and Saba to the Dutch in obedience to orders. I still keep Tortola, having no instructions about it. *Holograph. Signed.* 2 pp. *Endorsed, with long précis.* Recd. 27 June. Read 28 June 1682. [Col. Papers, Vol. XLVIII., No. 55, and Col. Entry Bk., Vol. XLVII., pp. 38-40.]

April 7.

Nevis.

461. Sir William Stapleton to [Sir Leoline Jenkins]. I have received your letter by Captain Ed. Powell, and shall gladly comply with your request. *Holograph.* 1 p. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 56.]

April 8.

462. Journal of Lords of Trade and Plantations. Read, Lord Baltimore's list of the Council of Maryland, and the Chancellor's printed letter to Colonel Meese (see Nos. 349, 351), concerning the troubles there. Ordered, that Colonel Meese be summoned to give an account why he presumed to print this letter without first acquainting the Council with it.

Sir Richard Dutton's letter of 3rd January read. The Lords agreed upon their report (see next abstract). [Col. Entry Bk., Vol. CVII., pp. 14-16.]

April 8.
Council
Chamber.

463. Report of Lords of Trade and Plantations to the King We have received a letter from Sir Richard Dutton of 3rd January, on which we represent as follows. We were formerly of opinion that the existing Courts of Justice in Barbados were sufficient for the recovery of the Revenue and the upholding the rights of the Crown; but having now learned that Sir Richard has established a Court of Exchequer without any charge to your Majesty, which has proved very effectual, we recommend that the establishment of this Court be approved. On Sir Richard's suggestion that no man be appointed to the Council until an account of his character has been received from the Governor, we recommend that he be ordered to submit the names and characters of the twelve men whom he considers best qualified for Councillors; the list to be supplemented from time to time as the nominees die or become unfit. We also recommend that he be ordered to furnish the names of two persons whom he shall think best qualified to succeed him in the Government in case of his death or absence, and that you authorise one or both of them, successively, to succeed him, providing, however, that the person so succeeding shall have no power to call an Assembly, except in case of rebellion or invasion, without your order. On Sir Richard Dutton's information

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respecting Patent offices in Barbados, we recommend that you grant no office there or in any Colony during life, which has proved inconvenient to the Government there. Lastly, we commend Sir Richard Dutton to you for great vigour, prudence, and fidelity, for proposing many things for the benefit of the Colony without regard to his private interest, and for his general conduct of the Government, and would advise that in token of your approbation his salary may be punctually paid and his arrears satisfied, and that your approval of his conduct be signified to him for his encouragement. *Signed, Anglesey, Chesterfield, Clarendon, Craven, Worcester, Halifax, Bathe, L. Jenkins.* [Col. Entry Bk., Vol. VII., pp. 119-122.]

April 8. **464.** Minutes of a letter to Sir R. Dutton. *A few rough lines written on half margin and endorsed as above. $\frac{1}{2}$ p.* [Col. Papers, Vol. XLVIII., No. 57.]

April 8. **465.** Journal of Assembly of Nevis. Proposed that the country take over the farm of the excise just expiring. The treasurer ordered to receive the impost of all liquors according to the Act till a new appointment. Proposed to defer the question of letting or keeping the farm of the excise to a Committee of Assembly. The Speaker proposed to grant a donation to Sir William Stapleton in consideration of his heavy expenses. Voted by the Assembly that the impoverishment of the country makes it incapable of manifesting its gratitude this year. [Col. Papers, Vol. XLVIII., No. 23.]

April 11. **466.** Edward Randolph to Sir Leoline Jenkins. After my return from New England, I represented to the Lords of Trade the continued misdemeanours of this Government in a short petition, and prayed for the issue of a *Quo Warranto* against their charter. I also presented to the King in Council several articles of high misdemeanor against Mr. Danforth, Deputy Governor of this Colony, and chief promoter of the opposition to the King's commands here. But since the King has taken no notice thereof hitherto, either to the Government or to Mr. Danforth, and since copies of both documents have found their way here (as I told you that I suspected would be done) they are resolved to prosecute me for the same as a subverter of their Government, and if by any means they can, they will take away my life, under their law revised in this General Court, wherein they have also made a law contrary to the directions in the King's letters patent. Against this last I have publicly protested, which is looked upon as an aggravation of my former crime. I am to be examined on Friday next. Imprisonment is the least that I expect, and according as we hear from England we shall be proceeded withal. The King's continual favour to this people has heightened their contempt. Some give out that it is not in the King's power to reform these irregularities. The publishing of my protest has made a great breach among them. The Governor, who is an honest governor, but advanced in years, and some of the magistrates oppose these

Boston,
New England.

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heavy practices, but when anything comes to a vote, it is carried against them. The King's letters are of no value here. Nothing will serve but bringing a *Quo Warranto* against their charter, which may save my life and reform this Government. I beg you by a speedy despatch to have the two laws in the enclosed printed papers (*see ante*, No. 418) declared null by Order in Council, and sent over hither by several ways of shipping lest they miscarry, or I am lost. The distance of place and hopes of troubles at home, with the many scandalous papers sent here for the benefit and comfort of the ill-affected makes this party thus daringly presume. I am preparing my defence. *Signed*, Ed. Randolph. *Postscript*.—I have written more largely to the Treasury, the Customs, and Mr. Blathwayt. *Holograph*. $1\frac{1}{2}$ pp. *Endorsed*. [Col. Papers, Vol. XLVIII., No. 58.]

April 11.

467. Journal of Lords of Trade and Plantations. Letters to Governor Cranfield containing heads of inquiry, and to the Governor and Council of New Hampshire, directing the despatch of quarterly returns, read and approved. Draft instructions to Governor Cranfield approved, he and Mr. Mason being present. Order for a new instruction, that in case any members of the Council refuse to take the oath the Governor be empowered to appoint so many others in their stead as will make up the number of seven. Also for an instruction directing him to signify the King's disallowance of all laws already made in New Hampshire and to propose the passing of new and more suitable laws. The Treasury to be informed that Mr. Cranfield's despatch is ready that his allowances may be paid to him. The Attorney-General to be desired to hasten the passing the bill of Mr. Cranfield's commission. A draft letter to be prepared to the Colonies of New England, announcing the King's settlement of New Hampshire.

Account of salaries and disbursements of the Plantation Office from Michaelmas to Christmas, 1681 signed.

Report concerning Sir Richard Dutton and the Government of Barbados, read and approved.

Report on the case of Benjamin Middleton, read and approved. [Col. Entry Bk., Vol. CVII., pp. 16–18.]

April 12.
Whitehall.

468. Order of the King in Council. On report of the Lords of Trade and Plantations (*ante*, No. 463), Ordered, that Sir Richard Dutton's salary be punctually paid and his arrears satisfied. [Col. Entry Bk., Vol. VII., p. 122.]

April 12.
Whitehall.

469. Order of the King in Council. That copy of the petition of Samuel Hanson (*see ante*, No. 132) be delivered to the Lords of Trade and Plantations for their report. *Signed*, Francis Gwyn. $\frac{1}{2}$ p. *Inscribed and endorsed*. Read 20 April 1682. *Annexed*,

469. i. The petition referred to, from Samuel Hanson, gentleman, of Barbados, to the King and Privy Council. About three years ago petitioner had occasion for several large guns to

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put on board a ship which he was then building in New England. He met accidentally with one John Burston, servant of Mr. Kendall, master of a wharf, in the town of St. Michael, Barbados, which said Burston offered him ten or twelve guns then lying in the wharf and to warrant his sale thereof, alleging them to be his master's who had empowered him to dispose of them. Petitioner finding that they would suit him, agreed for purchase and shipped six of them that day, but hearing that night that they belonged to one Anthony Rodriguez, a Jew, went and told him what he had done, and asked whether he claimed the said guns. Finding that he did claim them and was unwilling to part with them, petitioner immediately sent for them back and delivered them to Rodriguez, who was well satisfied of petitioner's innocence and made no further trouble about the matter. Six weeks later petitioner was arrested by Mr. Hannay, the Sheriff, and carried before two justices, who obliged him to find security to answer a charge at the next General Sessions. This he did, and stood bound for nearly eighteen months, without knowing his crime or his accusers. Next sessions the Attorney-General indicted petitioner and John Burston before the Governor and Council for conspiring to steal fourteen of the King's guns actually carried from the wharf, fourteen more of the proper stock of the Island, and fourteen more belonging to persons unknown, the guns being valued at 150*l.* The jury found petitioner and Burston guilty of a fraudulent bargain in buying and selling the guns of Anthony Rodriguez and shipping them on board the ship Nathaniel William Clarke. Petitioner moved in arrest of judgment for the following reasons: (1.) The jury had not found him guilty of the charge preferred in the indictment, and the Court should not take notice of a private fraud between man and man where no injured person prosecuted. (2.) That the indictment was laid for forty-two great guns, though the verdict mentioned only twelve without specifying whether great or small. Sir Richard Dutton, however, being then new to the place, overruled the motion for arrest of judgment and proceeded without the concurrence of the Council to fine petitioner 150*l.* and Burston 100*l.*, twice the value of the forty-two guns, whereas the verdict mentioned but twelve, and all that had been taken had been restored to their owner. Petitioner appealed to the Assembly which addressed the Governor on his behalf, and stated the law to be that no fine should be imposed without the concurrence of the Council. They prayed that the law might be upheld and that execution might not issue. Notwithstanding which, a *scire facias* was issued from the Court of Exchequer against petitioner to show cause why the fine should not be levied on his goods. Petitioner in answer pleaded that

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the verdict had nothing to do with the indictment, and that Rodriguez was not a British subject, which invalidated the verdict. Nevertheless, this plea was overruled, and the fine levied by sale of eleven of petitioner's negroes at less than their value, whereby being unable to reap his crop petitioner was damaged to the value of 500*l.* over and above the loss on the sale of the negroes. Petitioner then petitioned the Governor and Council on a writ of error, on the following grounds: (1.) That the *scire facias* was issued before the Court had any record whereon to ground it. (2.) That the Court of Exchequer had given judgment on the *scire facias* though the reasons in arrest of judgment had not been overruled by the Court of Grand Sessions. (3.) The fine was called 150 pounds, whether of sugar or sterling was not specified. (4.) The verdict was foreign to the indictment. Petitioner prays that copies of the indictment or proceedings may be obtained from Barbados and the errors reversed after examination by the Lords of Trade and Plantations. *Signed*, Samuel Hanson. *Copy*. *Certified* by Francis Gwyn. 4½ pp. *Endorsed*. Read 20 April 1682. *Copy* to Sir R. Dutton, 22nd May 1682. Answered with copy of proceedings, 22 January 1682-83. [Col. Papers, Vol. XLVIII., Nos. 59, 59 I., and Col. Entry Bk., Vol. VII., pp. 128-129 and 163-169.]

April 12. 470. Minutes of Council of Barbados. Order for issue of writs for the election of an Assembly. [Col. Entry Bk., Vol. XI., p. 517.]

April 12. 471. Order of the King in Council. Report of Lords of Trade and Plantations. We have examined the petition of Benjamin Middleton (*see ante*, No. 396 I.), and recommend that a copy thereof be sent to Sir William Stapleton for his report, and that pending the receipt thereof the execution of any Act to the petitioner's prejudice be immediately suspended. *Dated*, 11th April 1682. Ordered accordingly. *Signed*, Francis Gwyn. [Col. Entry Bk., Vol. XLVII., pp. 49-50.]

April 13. 472. The King to Sir William Stapleton. Giving effect to the order in preceding abstract. [Col. Entry Bk., Vol. XLVII., pp. 51-52.]

April 13. 473. Journal of Assembly of Nevis. Voted that a Committee of the Assembly consider the question of the farm of the excise. Proposed by the Governor and Council that the Council as well as the Assembly may be satisfied as to the public accounts. Answered by the Speaker that the Council has nothing to do with the country's accounts. Proposed that Captain Jory be paid his expenses on the articles of neutrality, the rest of the islands having paid their proportion. Answered that the Assembly has taken care for it. Proposed to consider what course should be taken as to the farm of

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the excise. Answered by the Speaker that it is no concern of the Council's and that a Committee of the Assembly will see to it. Proposed what should be done for the Governor, the expense of entertainment lying heavy on him. The Assembly hoped that in the impoverished state of the country his Excellency would not press them. The Governor and Council sent in twice for the whole Assembly to debate this matter before them. The Assembly sent in their Speaker to debate the same, refusing to give their votes *pro* and *con*, in accordance with a former vote. Ordered, that the proceedings of the Assembly be sent to the Lords of Trade and Plantations. The Assembly was this day dissolved by the Governor Sir James Russell and Council. [Col. Papers, Vol. XLVIII., No. 23.]

[April 13.] **474.** The Council of Nevis to Sir William Stapleton. We convened the Assembly on the 13th instant and made the annexed proposals to them (*see preceding abstract*), but instead of consulting the convenience of the Island they stand on punctilio and deny the right of the Council to be concerned in the public affairs or stock of the Island, contrary to the known practice. Finally, with unparalleled insolence, they have twice refused to come and give their votes or their reasons for dissent, in direct disobedience to the orders of the Privy Council at home and of the Governor, Council, and Assembly here. We therefore appeal to you for redress. *Signed*, Wm. Burt, Charles Pym, Nicho. Raynsford, Joseph Jory, Philip Lee, Ja. Russell, Walter Symonds, Daniel Lanhather, John Netheway. *Copy*. 1 p. *Endorsed*. Recd. 25 July 1682. *Annexed*,

474 I. Copy of the Minutes of Assembly for 13th April (*see preceding abstract*). *Endorsed as the foregoing*. [Col. Papers, Vol. XLVIII., Nos. 60, 60 I.]

[April.]
(Nevis.)

475. Order of Governor Sir William Stapleton. That in consequence of the pretensions of the Assembly to exclude the Council from a share in public affairs, the Treasurer in future shall render his accounts to the Governor and Council who are much more concerned therein than the Assembly, and that in future the accounts shall be audited by an equal number of the Council and of the Assembly. *Copy*. 1 p. [Col. Papers, Vol. XLVIII., No. 61.]

April 17.
Whitehall.

476. The King to Sir William Stapleton. The French ambassador complains that Captain Le Pain, Captain of the French King's frigate Trompeuse, has disposed of the ship and cargo instead of bringing it back to France. We therefore order you to do all in your power to discover and arrest Le Pain, and to endeavour if possible that the ship shall lade only for her right owners. [Col. Entry Bk., Vol. XCIX., p. 144a.]

April 17.
Whitehall.

477. The same to the same. One Maziere, late servant of President de Mesmes in Paris, has robbed his master and mistress

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of valuable jewels and absconded to Jersey, whence he took ship to Antigua. Do your best to apprehend him. His description is enclosed to you. [Col. Entry Bk., Vol. XCIX., p. 145.]

- April 18. **478.** Minutes of Council of Virginia. The Lieutenant-Governor and Council met and adjourned to the beat of the third drum to-morrow.
- April 19. Colonel Byrd, Captain Richard Whittaker, Mr. John Speir, and Mr. Thomas Taberrer attended the Lieutenant-Governor to ask him to appoint some of the Council to administer the oaths to newly-elected members. The Speaker, attended by the Lieutenant-Governor's desire, and the Lieutenant-Governor, after reading the King's letter ordering no Assembly to meet till the 10th November, said that there was no occasion to swear the newly-elected members and that he would call the House of Burgesses before him to-morrow.
- April 20. Four members of the House of Burgesses brought up an address to the Lieutenant-Governor praying for a continuance of the Assembly. The Assembly is "overwhelmed with grief and ineffable sorrows through doleful and piercing apprehensions and fears of an adjournment," and sets forth (1) the expense and danger that members have incurred in wading through floods and storms to the House; (2) the need for an Assembly, for (3) consideration of the low price of tobacco, a calamity "the sad resentment of which would force blood from any loyal Christian subject's heart"; (4) the alarms from Indians; (5) the danger from disbanded soldiers if unpaid; (6) the number of appeals to the Assembly that await hearing. (*The language of this Address throughout its length of two large pages is singularly fulsome, mawkish, and extravagant.*) The Lieutenant-Governor desired the attendance of the House of Burgesses at the best of the first drum at the Court House. After long waiting for the House to appear, the Clerk was sent to the Speaker to desire its attendance. The Clerk returned and reported that on admission to the House of Burgesses he was ordered by the Speaker to withdraw for a while. Ordered that the Clerk go a second time to the Speaker. But before he could go a messenger arrived from the Speaker requesting his attendance. He went, with orders to acquaint the Speaker that the Lieutenant-Governor had waited a long time for the House of Burgesses and desired its immediate attendance. On his return he reported that he had waited an hour for admittance and had then been told by the Speaker that the House would consider his message. Colonel Lloyd attended from the House of Burgesses and said that the House not knowing the Lieutenant-Governor could take no notice of his message.
- April 21. The Lieutenant-Governor returned his answer in writing to this effect:—I sent the Clerk of Council several times yesterday to come and hear the King's orders, and I am surprised that you did not attend. I now send him again and require you to attend at the beat of the drum this afternoon.—Major Charles Scarburgh and others attended from the House of Burgesses and asked for the appointment of Councillors to swear newly-elected members. The

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Lieutenant-Governor answered that he would do nothing until they attended him. The House of Burgesses sent a message to the Lieutenant-Governor and Council, to the effect that they asked for perusal of the King's letter. If it gave them any latitude which would enable them to continue in Session they hoped to be allowed to avail themselves thereof; if not, they would submit. Two of the House of Burgesses then acquainted the Lieutenant Governor that the House was ready to wait on him. The Burgesses being come the King's letter commanding the disbandment of the foot companies was read, and the Lieutenant-Governor desired the Speaker's and his House's result therein. The Burgesses then withdrew, being charged by the Lieutenant-Governor to debate no other business. The Burgesses sent a written message, that they could not debate this matter duly until the newly-elected members were sworn. Two Councillors were then nominated to swear them, who being returned, a copy of that part of the King's letter which concerned the disbandment of the companies was sent to the House.

April 22. Some of the Burgesses waited on the Lieutenant-Governor to give him the thanks of the whole House. He in return desired of them a speedy answer to the business in hand. Later a message was sent in writing requiring the answer of the House at five o'clock. Certain of the Burgesses brought up the House's answer to the effect that it had entrusted the question of disbandment to a Committee which would report in due time, and that meanwhile the House proposed to inquire into the general state of the country.
[Col. Entry Bk., Vol. LXXXIV., pp. 101-109.]

[April 19.] **479.** Petition of Robert Orchard of Boston, New England, to the King and Privy Council. My father spent his life and fortune in the late King's service, and I was forced to enlist as a private soldier on one of the King's ships then engaged in reducing New York. I then settled in Boston, but being observed to be averse to the principles of the people many abuses were put on me, notwithstanding that I had done them good service and suffered much in the Indian war. Instead of rewarding me they ordered me, when I was extremely ill, and all my servants to watch. I complied as far as I could and sent all my servants, but was presently fined for not watching, and the fine was levied on my goods by officers and several files of musketeers. Again, having imported divers goods from England and paid the King's duties in England, I was required to pay duty again in Boston, and not paying forthwith was fined ten pounds, for which goods to much greater value were levied. I was afterwards appointed an inspector under the law for prohibiting exportation of wool, but the Governor's son being owner of the first ship that I boarded I was discountenanced and threatened, and the Governor said that if he had been there he would have thrown me overboard. I then resolved to go home and appeal to the King, but this becoming known a fine was levied on my goods for not serving in the trained bands, and while I came ashore to settle it the ship sailed without me. The authorities then took such measures to prevent my

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sailing that I was forced to travel to Virginia and sail thence. Further, the authorities prohibit all but certain persons to trade with the Indians. I beg for redress and compensation for injury, and for an order throwing open the Indian trade to all. *Copy.* 3 pp. [Col. Papers, Vol. XLVIII., No. 62.]

April 20.

480. Journal of Lords of Trade and Plantations. A patent being procured for one Summers for the Postmastership of Barbados, notwithstanding the King's declaration that in future he would leave the appointment of all offices to the Governor, the Lords will learn the King's pleasure whether this patent shall supersede the authority granted to Sir Richard Dutton or not, and recommend that the former order be renewed and no more such patents issued. Samuel Hanson's petition and the address of the Assembly with the Governor's answer concerning fines read. Agreed to ask the Attorney-General's opinion whether Sir R. Dutton has proceeded according to the laws of England herein. [Col. Entry Bk., Vol. CVII., pp. 18, 19, and Vol. VII., p. 125.]

April 20.
Council
Chamber.

481. Lords of Trade and Plantations to Sir Richard Dutton, embodying the substance of the Report of 8th April (*ante*, No. 463) in almost the same words. *Signed,* Anglesey, Bathe, Clarendon, Craven, Halifax, L. Jenkins. [Col. Entry Bk., Vol. VII., pp. 122-125.]

April 21.
Whitehall.

482. Order of the King in Council. That the Order in Council of 20th October 1680, concerning the passing of patents for the Island of Barbados, be entered in all offices concerned therewith. *Signed,* Phi. Lloyd. $\frac{1}{2}$ p. *Annexed,*

482. i. Copy of the Order referred to, which provides that all patents in future shall contain a clause to void them in case the patentee do not reside in the Island (the Secretary and Marshal excepted), and that no places except those already granted be granted by patent in future. Whitehall, 20th October 1680. 1 p. *Copy Certified by Philip Lloyd. Endorsed.* [Col. Papers, Vol. XLVIII., No. 63, 63 i., and Col. Entry Bk., Vol. VII., pp. 126, 127.]

April 21.
Whitehall.

483. Order of the King in Council. That Mr. Summers, who lately passed a patent for the office of Postmaster in Barbados, do forthwith attend the Lords of Trade and Plantations. *Signed,* Francis Gwyn. $\frac{1}{2}$ p. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 64, and Col. Entry Bk., Vol. VII., p. 129.]

April 25.

484. Journal of Lords of Trade and Plantations. Draft report concerning Mr. Mason's claim read, together with the opinion of the Chief Justice of 17th July 1677 and of Sir William Jones and Sir Francis Winnington of 17th May 1675 (*see under May 23.*)

Report as to the Commissioners to be appointed to inquire into the claims to the Narragansett country read and approved,

1682.

Draft of a letter to the Attorney-General read, requesting his opinion as to Sir R. Dutton's proceedings in the matter of fines. The Lords, taking notice that Sir R. Dutton was sole Commissioner on the bench and needed not the consent of others, agree to recommend that the Attorney-General defend the whole process, to which end Sir R. Dutton be required to furnish an answer to Samuel Hanson's petition and the necessary documents. [Col. Entry Bk., Vol. CVII., pp. 20-23.]

April 25.

485. Minutes of Council of Virginia. Colonel Spencer ordered to transmit copies of the Journals to England. Resolved unanimously that the General Assembly be prorogued to the 10th November. Message to that effect sent to the Speaker. In the afternoon the Burgesses attended the Lieutenant-Governor and Council, and the Assembly was prorogued. [Col. Entry Bk., Vol. LXXXIV., pp. 110, 111.]

The resolution above named is also assigned to a meeting held on the 26th. [Col. Entry Bk., Vol. LXXXIV., p. 115.]

April 25.

486. Speech of Sir Richard Dutton to the Assembly of Barbados. I should not have summoned you so early but for pressing need. The debts already incurred are great, and while they remain undischarged I have small encouragement to proceed with other works, which, however, though great, are as nothing to our present business, the completion of the fortifications. We want fifty culverins and demi-culverins, at least five thousand flint-lock muskets of the Tower standard, and two thousand long pikes of Spanish ash. There are also the quarterly wages of gunners, the number of whom must be increased, a magazine to be built, and money to be placed in the treasurer's hands for emergencies. So much for our wants; a word now as to our dangers. The militia is in a very bad state, and unless you take care will soon be as useless as our present unarmed forts. The peril is the more pressing for we may soon be on ill terms with France, and in case of war we shall feel its effects sooner than our friends at home, for we shall have shorter warning. The enemy is one who will bite before he barks, so you must be on your guard against surprise. I met with so much disappointment from the late Assembly, that nothing but the importance of the time, my care for the commonweal and my esteem for you gentlemen of the present Assembly would have moved me to direct you so far. But for this I should have left you to go your own ways. However, if you take steps to avert those dangers all credit will be yours; I shall be content to have been an instrument in bringing it about. One thing more. It will be impossible for you to do anything to the purpose unless you sit continuously, instead of, as formerly, meeting one day and adjourning the next. $1\frac{1}{2}$ pp. *Endorsed in Sir R. Dutton's hand, "My speech to the Assembly at the first of their sitting, 25th April 1682." Inscribed.* Recd. 7th July 1682. [Col. Papers, Vol. XLVIII., No. 65.]

April 25.

487. Minutes of Council of Barbados. The members of Assembly

April 26. were sworn, and presented their Speaker. His Excellency then

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made them his speech (*see preceding abstract*). The Assembly attended and the Speaker delivered a bill passed by them for the settlement of the Militia which was read thrice and passed. The Speaker informed the Governor that the Assembly was about preparing a bill to raise money for various purposes.

April 27. Order for David Raphael de Mercado to stand bound to appear at the next Grand Sessions to answer the charge of importing and vending extraordinarily light Spanish coin. Henry Walrond, Samuel Newton, and John Witham to be a Committee to examine the Militia Act.

April 28. The Assembly brought up a bill to secure possession of negroes and slaves.

April 29. The bill brought up yesterday to lie under further consideration. The Assembly brought up a bill for a levy on lands and negroes, which was thrice read and passed. The Speaker brought up the petition of Colonel John Dempster to which His Excellency replied (1) that the right of determining such disputes lay indubitably in himself; (2) that the Assembly had violated their duty in ordering the taking of an oath respecting the disputed election; (3) that even if the Assembly enjoyed such right as they pretended they had proceeded arbitrarily and hastily in refusing to allow a reasonable time as desired by the parties concerned; (4) that the Assembly had no powers whatever except for the making of laws. The Speaker submitted a second address asking that the vacancy in the House for the parish of St. Philip's might be filled up notwithstanding. His Excellency consented as a matter of favour.
[Col. Entry Bk., Vol. XI., pp. 517-523.]

April 25. 488. Journal of Assembly of Barbados. Return of the members elected.

Colonel Richard Guy	} St. Michael's.
Lieutenant-Colonel John Codrington	
Major William Foster	} St. Peter's.
Richard Morgan	
John Davies	} St. Thomas's.
Colonel James Carter	
Colonel Christopher Codrington	} St. John's.
John Heathersall	
Richard Seawell	} Christchurch.
Captain Robert Bishop	
Thomas Maycock	} St. Lucy's.
Captain Michael Ferrell	
Edward Littleton	} St. James's.
Major Timothy Thornhill	
Captain William Fortescue	} St. Philip's.
Samuel Finney	
Captain John Gibbes	} St. Andrew's.
Major John Merrick	
Major Rowland Bulkeley	} St. George's.
Samuel Husbands	
Colonel William Sharpe	} St. Joseph's.
Lieutenant-Colonel John Waterman	

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The House met in the house of Edward Sinclair, Bridgetown. Colonel William Sharpe elected Speaker and presented to his Excellency. Richard Cartwright elected clerk; Matthew Wilcox, marshal. Mr. Alexander Riddocke, of the Council, administered to the Assembly and its officers the usual oaths. Adjourned till the morrow.

April 26. Rules of the House confirmed. Sir Richard Dutton's speech (*see No. 486*). Militia Act revived for three months. William Sharpe, Christopher Codrington, Richard Guy, Edward Littleton, James Carter, John Codrington, William Foster to be a Committee to amend it. Captain John Dempster's petition to be heard tomorrow morning. Bill for revival of the Militia Act read a first time.

April 28. Debate on the levy. Resolved that it be sixpence per acre and fifteen-pence per negro, Jews and towns in proportion. Address in reply to the Governor carried. On Captain Dempster's complaint against the election of Samuel Finney, alleging that he himself was really elected, ordered that the return of the writ be inspected, and that the Honourable John Witham report to the House. Debate on the levy. Assessment for Oistins town to be 20*l.*; for Bridgetown 400*l.*, for Holetown 20*l.*, for Speightstown 60*l.*, for the Jews 300*l.* Voted that 1,200*l.* be sent to Sir Peter Colleton, Colonel Henry Drax, and Mr. Jacob Lucy for purchase of muskets.

April 28. Edwyn Stede produced the writs for the election of St. Philip's. After examination the House decided that Captain John Dempster and not Samuel Finney was elected. Bill for securing the possession of negroes and slaves read a first time.

April 29. Address to the Governor to qualify Captain John Dempster as a member of Assembly. Act for levy on lands and negroes read a second time. Debate on the election for St. Philip's renewed. Ordered that an address be drawn to the Governor asking for a new election of one member. Adjourned to 27th June. [*Col. Entry Bk., Vol. XIII, pp. 471-484.*]

May 2. **489.** Deposition of Edward Randolph. As to the refusal of Mr. Nowell, a magistrate, to allow his patent to be read in Court at the prosecution of John Endigott and John Curtis, of Boston, under the Acts of Trade. *Copy in Randolph's hand and signed by him. Inscribed.* Read at a Court held at Boston 2nd May 1682, but my oath not taken though I pressed it. E. Randolph. 1 *p.* *Endorsed.* Rec. 23 Nov. 1682. [*Col. Papers, Vol. XLVIII., No. 66.*]

May 3. **490.** Minutes of Council of Virginia. Present:—Sir Henry Chicheley, Lieutenant-Governor, Colonel Nicholas Spencer, Colonel Nathaniel Bacon, Major-General Robert Smith, Colonel Joseph Bridger, Colonel Philip Ludwell, Colonel Rom. Cole, Ralph Wormeley, Colonel Richard Lee, Colonel John Curtis, Colonel Matthew Kemp. On intelligence of the rising in Gloucester County, ordered that Colonel Matthew Kemp use all endeavours to suppress it by force. Order to detain the ship Augustine, Captain Zachariah Taylor, till further orders, that letters may

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be sent to England. Ordered that Colonel Kemp order Lord Culpeper's company to their arms to-morrow. Proclamation against riots. Orders for the commanders of garrisons to send their men to Middle Plantation on 18th inst. to receive their pay according to the King's command; and for directions to the commanders of the various counties to call out the militia to suppress riots. [Col. Entry Bk., Vol. LXXXIV., pp. 116-118, and p. 143.]

May 3.
Virginia.

491. Proclamation of Sir Henry Chicheley, Lieutenant-Governor of Virginia, prohibiting all tumultuous and riotous meetings in consequence of the disorder of the inhabitants of Gloucester County, who have invaded several properties and cut up all the plants and plantations. *Copy. Certified by Lord Baltimore.* 1 p. [Col. Papers, Vol. XLVIII., No. 67.]

May 7.

492. Minutes of Council of Virginia. Order passed unanimously for the arrest of Robert Beverley, who has evidently been mainly instrumental in causing the present disorders. Major-General Smith to see that he be secured and committed to custody on board the ship Duke of York in Rappahannock river. *On another page this order is dated 9th May.* [Col. Entry Bk., Vol. LXXXIV., p. 119 and p. 123.]

May 8.
Middle
Plantations.

493. Sir Henry Chicheley to the King. I have to report the outbreak of an insurrection in Gloucester County. There being a large river and fifty miles of country between the rioters and me the news did not reach me for three days. We then took our measures. I suppose it is the Burgesses, big with thoughts of a cessation and yet unexpectedly prorogued, who have blown this coal which hath inflamed the people (*see following abstracts*). Rec. 14th June. [Col. Entry Bk., Vol. LXXXII., pp. 65-66.]

May 8.
Middle
Plantations.

494. Sir Henry Chicheley to Sir Leoline Jenkins. I am heartily sorry to have to report to you a rising in Gloucester County, where twenty or more parties have forcibly cut up the tobacco plantations. [Repeats details given in succeeding abstract.] The cause of the rising I take to be this. Lord Culpeper adjourned the Assembly when here to the next 15th February, when it was prorogued to January last. Next month Mr. Bacon wrote to me part of Lord Culpeper's letter, bidding me call the Assembly some time in April, by which time Lord Culpeper's return was expected. I heard not a word myself from any public minister until near the middle of April. At the beginning of March I issued writs to convene the Assembly, most unhappily, for by the time I received the King's Order not to permit it to sit the members were already on their way to James City, and it was therefore too late to prorogue them when they met. They came big with the expectation of enacting a cessation of tobacco planting, which the most, though not the wisest, of them thought the only expedient to advance the price of tobacco. By advice of

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the Council I submitted to them the alternative proposed by the King to take the foot companies into the pay of the Colony, but they delayed their answer for four days on various pretexts, at the close of which they were prorogued till 20th November next. But before their prorogation, as I since understand, they voted that their journal should be publicly read by their Burgesses when they got home to their respective counties; and you will see by the perusal thereof how the people became inflamed, while the soldiers, by abridgment of their pay, became more inclined to mutiny than to serve the King. I cannot quite get to the bottom of the rising yet, nor discover the ringleaders. *Signed, Hen. Chicheley.* $1\frac{1}{4}$ pp. *Endorsed.* Reed. 14 June 1683. [Col. Papers, Vol. XLVIII., No. 68, and Col. Entry Bk., Vol. LXXXII., pp. 66-69.]

May 8.
Virginia.

495. The Secretary of Virginia to Sir Leoline Jenkins. I have bad news to write. Not only is the peace of the Colony endangered by unruly and tumultuous persons, but at present it is suffering much from a combination of many inhabitants of Gloucester county. They have entered into a resolution to force a law of their own wills that no tobacco should be planted this year. To effect this the more readily they began operations on the 1st of this month by cutting up their own plants, and thence proceeded from plantation to plantation, telling the planters that if they were unwilling to have their plants cut up they would create willingness in them by force. In an hour's time they destroy as many plants as would have employed twenty men for a whole summer to bring to perfection. These outrages were in progress near three days before the Lieutenant-Governor had any intelligence thereof. The Council, which was sitting in General Court at Jamestown, at once issued proclamations to restrain such proceedings, and, to make them the more effectual, sent Colonel Kemp, of the Gloucester Militia, a Councillor and a worthy gentleman, with orders to march with such a force of horse and foot as might be necessary to suppress the mutineers. The 5th instant he marched with a party of horse, came upon a party of two and twenty of the mutineers, surrounded them with his troops, and took every one of them in the very act of destroying plants. Two of the principals, incorrigible rogues, are committed, the rest submitting and giving assurance of good behaviour, were remitted. I hope that by this time other parties of the mutineers may have been reduced, though it is to be feared that the contagion will spread. We received news to-day that the county next adjoining, New Kent, had broken out into the like spoiling of plants, and have taken the same measure of sending the militia to suppress it. Lest the infection should spread further, orders have been issued to the commanders of the militia in each county to provide a party of horse to be in continual motion, by which vigilance we have some hope that the growth of the insurrection may be prevented. I should have no doubt of it, did I not know that the necessities of the inhabitants, owing to the low price of tobacco, have made them desperate, and caused them

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to resolve on a law of cessation of their own making. But it is to be feared that the mere destruction of tobacco plants will not satiate their rebellious appetites; if they increase, and find out the strength of their own arms, they will not keep themselves within bounds. The two companies of the King's troop are on the eve of disbandment, and aware that they are appointed to be disbanded on the 1st April and to receive no pay after that day. They are therefore so far from being an assistance at the only moment when they have been wanted since their arrival, that their mutinous temper doubles our apprehensions of evil events. Had not the ship which brought the money for them been long wind-bound, and unusually delayed in her passage, the King's troops would have been paid off before this present outbreak. The soldiers' quarters are now accounting for, and the soldiers and landlords will day after day be paid off and disbanded, and the country thus freed from the danger of their mutinous demeanour.

The King ordered the disbanding of those companies unless the Colony would continue them at its own expense. The Assembly met five days after the arrival of this order, having been summoned by Sir Henry Chicheley near forty days before the arrival of the ship Concord, which brought the Royal Order forbidding an Assembly to be held till the 10th November, by which date Lord Culpeper was expected to return. The Lieutenant-Governor communicated to the Assembly these two orders, on which the Council agreed that, though the Assembly had been convened without the advice of one of its members, yet it should be permitted to sit to decide the one question, whether the companies should be continued at the Colony's expense or not. The House of Burgesses spent several days over this without giving further answer than to desire every day time to come to a resolution, its real object being to gain time to carry on other imaginations, and in particular the question of a cessation, for which it had been particularly summoned by the importunate motions of Robert Beverley, its too active clerk. He being no less busy within the House after its meeting, it was decided to prorogue it on 27th April until the 10th November, whereby the selfish purposes of many, and in particular of Beverley, were frustrated. He has a large stock of tobacco on his hands, and it is vehemently suspected that it is he who has instilled into the multitude the idea of cutting up the plantations in order to accomplish his design of stopping further planting for the year. *Signed, Nicho. Spencer. 2½ pp. Endorsed. [Col. Papers, Vol. XLVIII., No. 69, and Col. Entry Bk., Vol. LXXXII., pp. 69-74.]*

May 10.
Whitehall.

496. The Lords Proprietors of Carolina to the Governor and Grand Council. We communicate to you a review of our fundamental constitutions, with the following additions. The Constitution of 1669 appoints the eldest of the Proprietors to be palatine and the next eldest to have their choice of the other seven great offices; but as many of our proprietors have since sold their proprietorships (for which no provision was made in 1669), and

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many inconveniences may result therefrom, we have appointed 1. That he who has been longest a proprietor shall succeed to be palatine after the decease of those who were proprietors in 1669, and leave their choice of the seven great offices (*sic*) till after the year 1700, when the power of disposing of proprietorship ends. 2. By the former constitutions the Assistants of the Colleges were chosen into the Grand Council. In future he that has been longest an assistant of any of the colleges, and of the same degree or choice of him that is removed or dead, shall succeed to the Grand Council. 3. In future the Council is to be at liberty to propose all such things as it pleases to the parliament. 4. If the majority of the juries of the counties shall present a thing as necessary to be passed into a law and the Grand Council do not in convenient time propose it to the parliament, that it shall be lawful for any of the Chambers to propose it to the house. 5. Lords Proprietors may in future remit rent under agreement. *Signed Albemarle, Craven, Shaftesbury, P. Colleton, Jno. Archdale (for Thos. Archdale), Bath (for Lord Carteret).* [Col. Entry Bk., Vol. XX., pp. 176-178.]

May 10. 497. Instructions to Maurice Mathews or the Surveyor-General of Carolina. 1. The 12,000 acre plots may be run out with unequal sides if necessary. 2. When the side-lines of Berkeley county are laid down, you will lay one to the north of it, Craven county, five squares to the sea, and eight squares deep, and another county, to be called Colleton, to the south, of the same dimensions. You will receive 150*l.* for each. 3. In no county shall more than four squares be taken up by caciques or by landgraves, nor more than eight by proprietors, nor more than twenty-four by the people; but in no case shall less than twenty-four be left for the people. 5. Landgraves may take up land by their agents. 6. Persons entitled to land by importing servants may choose their blocks. People entitled to less than 12,000 acres may have a frontage to a navigable river equal to the depth of the block from the river; those with 12,000 acre squares may have one side of river frontage. 7 to 9. Additional instructions as to water frontage. 10. No land is to be set out over thirty miles south of Stone River, nor over fifty miles north of Ashby River. Provisions for building a town on the Edisto, twenty miles above the head of the Ashby. *Signed as the preceding.* [Col. Entry Bk., Vol. XX., pp. 179-184.]

May 10. 498. Instructions to Joseph Moreton, Governor of the Province South and West of Cape Fear. Clause 8. No Indian is to be sent out of Carolina on any pretence whatever. 9. Nor to be enslaved or injured in any way. 10. Commission of 17th May 1680 for deciding disputes between Indians and English annulled, as tending rather to oppression than protection of Indians. *A great many clauses deal exclusively with land grants, recapitulating the rules given in the previous abstract.* In all 30 clauses. *Signed, Craven, Shaftesbury, P. Colleton, Bath (for Lord Carteret).* [Col. Entry Bks., Vol. XX., pp. 184-194, and Vol. XXI., pp. 1 seq.]

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May 10.

- 499.** Commission from Lord Craven to Henry Woodward to explore the unknown county of Carolina. 1 p. [Col. Entry Bk., Vol. XX., p. 207.]

May 13.

Maryland.

- 500.** Declaration of the Protestants of Maryland that the charges against Lord Baltimore of ill-favour towards Protestants are false. Half the Council are Protestants, the commanders of militia are mostly Protestants, and so with all other places of honour and trust. *Twenty-five signatures. Large sheet. Copy.* [Col. Papers, Vol. XLVIII., No. 70.]

May 15.

Port Royal.

- 501.** Minutes of Council of Jamaica. Sir Thomas Lynch, who arrived yesterday, took the oaths and assumed the administration of the Government. Order for all officers to continue in the execution of their duties. [Col. Entry Bk., Vol. XXXVI. pp. 1, 1a.]

[May.]

- 502.** Minute of William Blathwayt covering an extract from Sir William Stapleton's letter of 25th March (*see ante*, No. 447) respecting the curiosity of the French Governor as to the fate of the Treaty of Neutrality. *This is written on a copy of the Order of Council of 13th June 1679 and of a report of the English negotiators, Lord Anglesey, Lord Bridgewater, and Secretary Coventry of 18th October 1679, telling of the failure of their negotiations. Stapleton's letter was received on 16th May. 3 pp. Endorsed.* [Col. Papers, Vol. XLVIII., No. 71.]

May 18.

- 503.** Commission from Lord Craven appointing Joseph Morton Governor of the part of Carolina lying south and west from Cape Fear. 1 p. [Col. Entry Bk., Vol. XX., p. 206.]

May 18.

- 504.** Blank Commissions sent by Lord Shaftesbury and Mr. J. Archdale, appointing their deputies in Carolina, that of the latter being Daniel Axtell. [Col. Entry Bk., Vol. XX., p. 208.]

May 18.

- 505.** Clement Hill to Richard Gardner. Going on board Captain John Eaton's ship just now we have certain intelligence of an insurrection in Virginia. The tobacco plantations of three or four counties have already been cut up, and it seems likely that the same will follow in other countries, so that it is thought that there will be no tobacco planted this year. The Governor has issued a proclamation, but as I understand with no great effect; and it is feared that the rioters will not stop at plant cutting. *Signed, Clement Hill. Copy. ½ p. Inscribed, "From Maryland."* [Col. Papers, Vol. XLVIII., No. 72.]

May 18.

- 506.** Duplicate of foregoing. [Col. Papers, Vol., XLVIII., No. 73.]

May 18.

Maryland.

- 507.** Lord Baltimore to Sir Leoline Jenkins. I was alarmed about three days since by a letter received from Captain William Diggs, one of the Council here, reporting riots in Virginia, which I sent to Lord Anglesey. My uncle, Philip Calvert, being at my

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house yesterday there was brought to him in great haste the enclosed letter from William Stevens, another of our Council, who, on the 13th instant, went over to Cherry Point, Virginia, on business and there heard of a rebellion not unlike Bacon's. I send you Steevens's letters in case you should not have heard from Virginia. My own apprehensions are so great that I have ordered all my officers on Potomac side to be ready with horse and foot to prevent the landing of any of that rabble, and have sent to learn the truth from Secretary Spencer and to assure him of my readiness to assist him, for I may be able to furnish some few men, if things be as bad as they are reported to be. There was an Assembly in Virginia last month but nothing came of it though they hoped for a cessation of planting, and since then there have been nothing but tumults. Sir Henry Chicheley wrote to me last November telling me of the general desire for a cessation, and I answered that I perceived the same desire here, but would not join him in any such thing unless I have assurance under his hand and Mr. Spencer's that such was the King's pleasure. For I remember an Order in Council of 5th November 1664 expressly forbidding anything like a cessation. I hnv heard nothing from Sir Henry Chicheley since. These disturbances make me wish that Lord Culpeper were settled in his government, for until then I expect no certainty of peace and quiet.

The news from Virginia has greatly troubled me, though I have a still greater affliction in the King's letter of 8th February, wherein I find myself to my great grief under his royal displeasure. I still hope to show by a petition by that ship that though I have transgressed, my fault was not wilfully committed, but due to a wilful concealment by the Surveyor and Controller here of their instructions from the Commissioners of Customs, and of the Order of 16th February 1680, which I protest before God that I never had sight of. Let me explain. Some time last year, after Christopher Rousby, the King's Collector, had left for England, there arrived here a vessel from Poole, Alexander Dennet, master, and another from Liverpool, one Tarlton, master. Both brought certificates of bonds given in England to transport tobacco to Ireland. There was also one Shepherd, commander of the St. George of London, with the like certificate, who arrived some time before the two former. Nicholas Badcock, the King's controller and surveyor, came to me and said that Dennet and Tarlton refused to pay the penny a pound duty unless he would give them security to bear them harmless to their owners; he never told me that he had demanded the same of Captain Shepherd as he ought to have done, likewise to have demanded my assistance to compel Shepherd as well as the others, for which last I admit that he pressed for my assistance. I asked him if he thought Dennet's and Tarlton's certificates good according to law, he replied that he thought they were. I then asked him whether he thought the King's customs were not thereby secured, and he answered yes, but told me that by a recent Act masters with certificates for Ireland were subject to the penny a pound duty

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unless they gave fresh bond here. After further questions he told me that he thought the Act of Navigation of 12 Car. II. was once more in full force ; and then I told him that in that case I saw no reason to require the penny a pound ; but he rejoined that under another Act that duty was due. At such a contradiction I asked what instructions he had from the Commissioners of Customs, to which he answered rudely and scornfully that he knew his business and that I should find that he was right. Finding him too haughty and positive I told him to meet me next day at the Chancellor's, Philip Calvert's. The Secretary was also accidentally present when I spoke to him about the matter, but this was not the Council, nor did I haul him before the Council as he falsely asserted. After discussion of the matter the Chancellor, knowing like myself nothing of the Order in Council, thought that I was right. I then asked Badcock what made him so confident in his opinion ; for he began to be very high and talk of complaining to the Commissioners if I asked for his instructions, and I [solemnly] declare that he never made mention of any instructions nor of the Order in Council of February 1680, which he had by him, but would not produce to me. It is evident to me and to others here that he designed to ensnare me, for if he had given the least hint of instructions or Order in Council, I shculd never have dreamed of obstructing the King's orders. Neither Badcock or Rousby let me have a sight of either, nor did I ever see the Order in Council until some months after Badcock's death. I never had any notice of it until I received it from the Commissioners last December. And to this I am prepared, if necessary, to make oath before Secretary Spencer. Ignorance of the instiutions of the Commissioners of the King's Order in Council is really the whole of my fault. The King's letter reached me with the seal broken. *Three closely written pages. Duplicate. Endorsed. Annexed,*

507. i. William Stevens to Philip Calvert. When I came to Cherry Point I was informed that some persons had begun to cut up their own plants, and some those of others. Sir Henry Chicheley had issued a proclamation. It is said that his house is burnt down. Major Beverley is arrested. It is also said that the red coats are disbanded and in some discontent. Things look ill. Our laws should be published with all haste. *Signed, Will. Stevens.*
16 May 1682. *Holograph. 1 p. Addressed.*

507. ii. The same to the same. Since writing the foregoing, I have seen Sir Henry's proclamation and orders. Without stern measures this will be but a little water on the fire. I am still of the same mind as to publication of the law. *Signed, W. S. 1 p. An almost illegible scrawl. [Col. Papers, Vol. XLVIII., Nos. 74, 74, I., II.]*

May 19.

508. Minutes of Council of Virginia. Order for the committal of Stephen Tarleton and Charles Bostwicke of New Kent to custody for inciting to riot until they find security for good behaviour. *[Col. Entry Bk., Vol. CXXXIV., p. 123.]*

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- May 20. 509. Lord Shaftesbury to the Governor and Council of Ashley River. Mr. William Read has purchased Dalton's plantation of Dalton's heir. Pray give him quiet possession. [Col. Entry Bk., Vol. XX., p. 197.]

[May ?]

510. Lords Proprietors of Carolina to Governor and Council of Ashley River. Mr. John Smith has purchased ten thousand acres of land. The conveyances are not ready to be sent by this ship; but give his agents assistance in choosing the land. *Signed*, Shaftesbury, Craven, P. Colleton. [Col. Entry Bk., Vol. XX., p. 197.]

May 22.
Portsmouth.

511. The Council of New Hampshire to Lords of Trade and Plantations. Forwarding quarterly returns of the proceedings of Council and Assembly. *Signed*, Richard Waldern, President, Elias Stileman, Richard Martyn, William Vaughan, Thomas Daniel, Christopher Hussey, Richard Chamberlain, Secretary. $\frac{1}{2}$ p. *Endorsed*. Reed. 8 Aug. 1682. [Col. Papers, Vol. XLVIII., No. 75, and Col. Entry Bk., Vol. LXVII., p. 70.]

May 22. 512. Duplicate of foregoing, with second date 21st August 1682.
Enclosed,

512. I. Proceedings of the President and Council of New Hampshire since the transmission in October 1681. The Council met at Portsmouth, 22nd November 1681. Agreement signed for a highway from Mr. Vaughan's tan yard to Bloody Point. Trial of Christopher Keneston for theft. Ordered that a warrant be issued for the arrest of all persons on the constable's list who have the war-rates in their hands and fly out of the country.

General Assembly at Portsmouth. 7th March 1682. Trespass action of Abigail Ellins against George Walton. Thomas Thurton was accused of abusive and contemptuous language against the Council, saying that they were rebels against the King for denying his letter under the broad seal, that they were a parcel of cursed rogues and that he hoped to see them all hanged before he was much older. Sentenced to be imprisoned for a month; and if he pay not a fine of 20*l.* within that time and 2*l.* 18*s.* 6*d.* costs, to be sold. The Treasurer is hereby empowered to sell him. Adjourned to 9th March, unless earlier summoned.

7th, 8th, and 10th March 1682. The case of Walter Barefoot, William Hoskins, and Thomas Thurton (*see ante*, No. 430). 10th March. Pheasant Eastwick excused from military training being a physician. John Roberts, Head Marshal, resigned his office. Henry Dow appointed Sole Marshal with salary of 5*l.* a year. Order for the free admission of all vessels from Massachusetts to all parts without liability to further dues than are paid by inhabitants; provided that the like order be made in favour of New Hampshire by Massachusetts. Goods having paid customs in one port in New Hampshire or Massachusetts

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to be exempt from further duty, provided that Massachusetts make the like rule. Order for a levy of a penny in the pound on persons and estates to be paid in money or in species at the following rates:—

Wheat, five shillings a bushel.

Pease, four shillings a bushel.

Malt, three shillings and sixpence a bushel.

Indian corn, three shillings a bushel.

Boards, thirty shillings per 1,000 feet.

White oak pipe staves, at 3*l.* per thousand.

Fish, two rials under price current.

The Council met at Portsmouth, 2nd May 1682. Order for a conference respecting the approval of a minister for Great Island. Administration of the estate of Edward Cowel, deceased, granted to Jethro Furber, his son-in-law. Proceedings in reference to the estate. Order explaining the powers of Marshals. *Signed.* Richard Waldern, Elias Stileman, Richard Martyn, William Vaughan, Thomas Daniel, Job Clements, Richard Chamberlain. *Dated,* Portsmouth, 31st August 1682. *5½ pp.* *Endorsed.* Recd. Nov. 2, 1682. [Col. Papers, Vol. XLVIII., Nos. 76, 76 I, and (letter only) Col. Entry Bk., Vol. LXVII., p. 71.]

May 22.
St. Jago
de la Vega.

513. Minutes of Council of Jamaica. Oath administered to certain new members. Petition of Charles Charles Morgan read and referred, together with his claim for arrears to the Deputy Auditor. Order for a general survey of the forts by Sir Henry Morgan, Colonel Hender Molesworth, Major Samuel Bach and Captain Reginald Wilson. Ordered that the Governor's commission be enrolled; that Thomas Martin, Receiver-General, give in his accounts for 17th July 1681 to 24th June 1682 to the Deputy Auditor who, after examination, will refer them to Sir Charles Modyford and Colonel Hender Molesworth for further inspection; that the Council be summoned for 6th July next; that the tonnage of ships be adjusted according to their light bills in Europe; and that the Receiver pay the several officers attending the Government. [Col. Entry Bk., Vol. XXXVI., pp. 1a-2a.]

May 22.

514. Journal of Lords of Trade and Plantations. Sir Henry Morgan's letter of 8th March (see No. 431) concerning privateers read. The Lords will report it to the King.

Draft of letters to the New England Colonies respecting New Hampshire, and to Massachusetts respecting Mr. Mason, read and approved. [Col. Entry Bk., Vol. CVII., pp. 24-25.]

May 22.
Council
Chamber.

515. Lords of Trade and Plantations to Sir Richard Dutton. The King having ordered the petition of Samuel Hanson to be referred to you for your report, we send you a copy thereof and desire your report, together with authentic copies of such papers as may be necessary. *No signature given.* *½ p.* [Col. Entry Bk., Vol. VII., p. 129.]

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May 23.
Hampton
Court.

516. Order of King in Council. Approving the following draft of a letter from the King to the Massachusetts. There has been long depending before us the petition of Robert Mason complaining of the wrongs which he has suffered from the Corporation of Massachusetts Bay, which has kept him from possession of a tract of land between the rivers Naumkeag and Merrimac. Our Solicitor and Attorney-General informing us that Robert Mason has a good and legal title to the lands conveyed to him under the name of New Hampshire, we referred the matter to the Lords Chief Justices of the King's Bench and of Common Pleas, who report to us that your agents, Peter Bulkley and William Stoughton, had disclaimed all title to the lands claimed by Mason, and that they therefore esteem it proper that the parties should have recourse to the judicature settled on the place for the decision of any question of property, until it should appear that there was just cause of complaint against our Courts of Justice. In order therefore that justice may be done with all ease and cheapness, we order as follows:— Robert Mason shall be at once admitted to prosecute his right before the Courts of Massachusetts. Where the land claimed has been improved and Mason's claim is disputed by the tenant, a trial at law may be appointed and allowed, but no interested person shall act as judge or juror. If this justice be delayed by you or judgment be given in which Mason does not acquiesce, he may appeal to us in Council, and the parties concerned shall answer the appeal within six months. In the case of unimproved lands you shall forthwith put Robert Mason in possession, and if you refuse to do so without good cause shewn within six months after demand of possession, we shall take the whole cause of Robert Mason into the consideration of ourselves and Council. And you will secure Robert Mason from all arrests and molestations whatever, while within your jurisdiction, that he be not hindered in the prosecution. *The whole 2 pp. Signed, Phi. Lloyd. Endorsed. [Col. Papers, Vol. XLVIII., No. 77, and (under date 23rd June) Col. Entry Bk., Vol. LXI., pp. 136–139.]*

May 23.
Hampton
Court.

517. Order of the King in Council. Approving the following draft of a letter from the King to the four New England Colonies. We have lately appointed Edward Cranfield our Governor of New Hampshire, and have charged him in case of any rebellion or hostile invasion of any of the neighbouring colonies to help them to the best of his power with the forces under his command, and we now require the same of you towards him. *Signed, Phi. Lloyd. 1 $\frac{1}{4}$ pp. Endorsed. [Col. Papers, Vol. XLVIII., No. 78.]*

May 23.

518. Copy of a Pardon granted to Doctor Henry Woodward by the Lords Proprietors of Carolina. 5 pp. *Signed, Albemarle, Craven, Shaftesbury, P. Colleton. [Col. Entry Bk., Vol. XX., pp. 198–202.]*

May 23.

519. Journal of Assembly of Nevis. Proposed by the Governor and Council, (1) That Captain Jory be paid his disbursements on the Articles of Neutrality, the provisions lately said by the Assembly

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to have been made being set at naught by the refusal of the farmers of the impost of liquors to pay it. (2) To consider what shall be done in future as to the import on liquors. (3) To consider what shall be done for the Governor, who has received great encouragement to reside in Antigua and will certainly do so unless better provided for in Nevis. The Assembly ask for time till Thursday next before giving their answer. [Col. Papers, Vol. XLVIII., No. 79.]

May 23.

520. Minutes of Council of Virginia. Order for Matthew Kemp, Ralph Wormeley, and Christopher Wormeley to take the public records lately under the charge of Robert Beverley, and commit them to the custody of the Sheriff of Gloucester, who will bring them to the Secretary's office. Order for the transfer of Robert Beverley from the ship Duke of York to the ship Concord now in York River. Order for the suspension of John Woodington as a justice of the peace, and for his committal to custody in consequence of his behaviour in respect of the riots. [Col. Entry Bk., Vol. XXXIV., pp. 120, 121, and 124-126.]

May 24.

Boston.

521. Proclamation of a fast day for God's blessing on the errand of the Massachusetts Agents. *Signed*, Edward Rawson, Secretary. Printed sheet. 1 p. [Col. Papers, Vol. XLVIII., No. 80.]

May 25.

522. Minutes of Council of Virginia. Order for the arrest of the wives of Thomas Allman and Richard Longest for plant cutting, and for their trial on 30th May. [Col. Entry Bk., Vol. LXXXIV., p. 126.]

May 26.

523. Journal of Assembly of Nevis. The Assembly returned their answers to the proposals of the Governor and Council (*see ante*, No. 519). (1.) The first receipts in the Treasurer's hands shall be paid towards the discharge of Captain Jory's debt. (2.) The Treasurer shall continue to collect the same duty on liquors for six months longer. (3.) We offer the Governor a present of 160,000 pounds of sugar. [Col. Papers, Vol. XLVIII., No. 79.]

May 28.

Middle
Plantations.

524. The Secretary of Virginia to Sir Leoline Jenkins. I had hoped to have given you a better account of things this year. After despatch of my last the rabble continued their riotous and mutinous plant-cutting in spite of all proclamations. The patrols of horse ordered in each county have, through the care and activity of some of the officers, surprised and committed many of the plant-cutters, and so discouraged their wild and extravagant riots that the parties decreased in numbers, and bold actions by day gave place to night mischief, especially whilst the nights continued light. Small parties went from plantation to plantation by night destroying all plants of which they had intimation; and of information they had no lack, for such was the folly, madness, and often malice of some of the inhabitants that, when the rabble had by force or persuasion destroyed the plants of one plantation, the master of this plantation was soon possessed of the like frenzy and willingly helped to

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make his neighbour as incapable of making tobacco as he himself was. And so the infection spread, until a fortnight ago it was to be feared that it would diffuse itself over the whole body; but now it is much allayed, thanks to the militia, and in a hopeful way of reducement, though I cannot yet positively say quiet settlement. For the women have so cast off their modesty as to take up the hoes that the rabble were forced to lay down, and rather than that plant cutting should cease they act their part in destroying plants, and have privately injured many of their neighbours both by day and night. By exemplary punishment inflicted on some of them, that pernicious humour which at present is a-madding will either be allayed or totally extinguished, so that it is to be hoped that a little more time will restore order, though by awe rather than willing conformity, and in the same manner maintain it. In my opinion, therefore, it is absolutely necessary that two parties of fifty horse should constantly patrol Gloucester and New Kent, where the riots have been worst. I acquainted you in my last of my strong suspicions that Robert Beverley was the moving spirit in these disturbances. There being since sufficient found against him, he was taken into custody and is at present confined on board ship under a safe guard. This was a great check to the mutineers; their spirits sank and their numbers dissolved; some took flight and others voluntarily submitted. The paying off of the soldiers and quarters is still proceeding, though it would have been perfected long since but for the mutinous disposition of the men. They seized the opportunity of the riots to insist on many particulars of disbandment, especially the twopence a day deducted. The Government, though very anxious, hopes by moderation and vigilance to end the matter satisfactorily and in convenient time.
Signed, Nicho. Spencer. 1½ pp. Endorsed. [Col. Papers, Vol. XLVIII., No. 81.]

May 30. 525. Duplicate of the foregoing. [Col. Papers, Vol. XLVIII., No. 82.]

May 28. Boston. 526. Articles exhibited by Edward Randolph against Thomas Danforth, Mr. Guggins, senior, Mr. James Russell, Mr. Saltonstall, senior, Mr. Samuel Noel, Mr. John Richard, Mr. Davie, Mr. Gidney, and Mr. Appleton, magistrates, and John Fisher, Elisha Cook, Thomas Brattle, senior, Anthony Stodder, senior, Bathurst, Hathorn, Wait, Johnson, Elisha Hutchison, Spragg, Oakes, Holbruck, Cushion, Hammond, and Pike, Deputies and all members of the General Court held at Boston 15th February 1682:—(1) That the said faction has refused to publish the King's proclamation sent in October 1680, thereby preventing the operation of the Act for securing the Plantation trade. (2) That it has refused to repay sundry sums deposited by me in security for trials on behalf of the King's customs, though illegally levied, and though repayment is directed by the King's letters of 21st October 1681. (3) That it has refused to recognise the Letters Patent erecting an office of Collector, &c. (4) That under pretence of satisfaction to the King

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it has erected a Naval Office of its own in opposition to the King's, and appointed officers thereto. (5) That it continues to exert judicial functions which are not rightly theirs and by controlling the Governor and Court of Assistants oppress the country ; such functions being no part of the duty of the Court of Deputies. (6) That it has neglected to repeal all local laws contrary to the laws of England, notwithstanding the King's particular orders, whereof observance was promised. (7) That it has refused to recognise the appointment of William Blathwayt as Surveyor and Auditor-General of the Plantations. *Signed, Edw. Randolph.*
Holograph. 1½ pp. Endorsed. Recd. 23 June 1682. [Col. Papers, Vol. XLVIII., No. 83.]

May 29.
Boston.

527. Edward Randolph to Sir Leoline Jenkins. The Government, on the news of the dissenters being imprisoned in England and the King's bringing a *quo warranto* against the Charter of London, believe it now time to apply to the King by their agents, whose instructions are to deny or extenuate the complaints of myself and others ; to defend their right to the land claimed by Mr. Mason ; to maintain their right of imposing customs on goods and merchandise imported ; to justify their setting up an office in opposition to that erected by the King's patent ; to obtain the King's pardon and his confirmation of their charter, and, lastly (if it can by any means be done), to get me removed from my place and office. I have sent over several papers and new articles to Mr. Blathwayt, containing new matter of fact, together with their laws and orders of Court to confirm the misdemeanours objected against the dominant faction. Their agents will, I hope, be more ingenuous than to deny the plain matters of fact that follow, viz., that the General Court has not acknowledged the appointment of the King's collector, and has set up an officer without the Governor's approbation, which is contrary to law and charter ; that the reading aloud of my commission in Court was refused ; that several magistrates opposed the passing of the Naval Office Law, which was pressed by Danforth and his faction, who contrary to that law administered an oath to their officers ; that to this day they have refused to repay me the expense of my prosecutions, though ordered to do so by the King, and lastly that they have refused to recognize Mr. Blathwayt's Patent as Surveyor and Auditor-General of the Colonies in America. I have seized a ship belonging to one Mr. Shrimpton, and a ketch belonging to Mr. Kellon, brother-in-law to Richards, one of the present agents. They are all incensed against me, and are combined to misrepresent me as an enemy to their government and a disturber of the peace, but I hope I have done nothing but my duty. I know that they will not be wanting to say all the ill that malice can suggest against me to their Lordships, and in my absence they will have the greater liberty. But I know that they have no just cause of accusation. I went out to seize a ketch yesterday and caught such cold that I am now in extremity with the stone and strangury. Should God take me away thus it would be accounted a blessed return for their

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prayers. Pray intercede with the King for compensation to my wife and children for the expense and loss that I have incurred in the King's service here. I have broke the heart of this faction, and if it please God to spare my life I shall prepare them to receive the King's orders. A quo warranto against the charter and a printed declaration disenabling Danforth and his faction to vote or to hold public office would place this government in the hands of honest men. Nothing that the agents promise should be depended on, if they are suffered both to depart, till the King has full assurance that all here is regulated as promised. *Holograph.* 1½ pp. *Endorsed.* Recd. 8 Aug. 1682. [Col. Papers, Vol. XLVIII., No. 84.]

May 29.

Boston.

528. Account of lands, rents, profits, and fines and forfeitures due to the King in Massachusetts. (1) Eight towns lying between the northern and southern bounds of New Plymouth and the southern line of Massachusetts but not included in the grant to either Colony. (2) Forty-one quarters of wheat due from the Governor and Company as lords proprietors of Maine. I have charged this upon the Government, but they say that the patent under which it is due goes back only to the beginning of the last Dutch war, but I think that those who will not own the authority should not have the benefit of the King's grant. (3) 20*l.* being the moiety of a fine paid by Timothy Armitage under an order from the Court of Boston of 25th December 1680. (4) 10*l.* due for breach of the Act of 14 Car. II. (5) Fines and forfeitures received by the several treasurers since the first Dutch war, at the lowest computation, 400*l.* a year. (6) About 800*l.* a year for customs, powder money, &c. *Signed,* Ed. Randolph. *Holograph.* 1¼ p. *Endorsed.* Recd. 23 June 1682. [Col. Papers, Vol. XLVIII., No. 85.]

May 29.

Boston.

529. The Governor and Council of Massachusetts to Sir Leoline Jenkins. We are sending over Joseph Dudley and John Richards as our Agents. We have before told you of our difficulties in this matter and how impossible it was to us to appear by the time limited in the King's letter of 21st October 1681. This is the first ship from this port since that time except one which was ready to sail when we received the King's order. We hope, therefore, that the King will not impute delay to us. We beg your good offices on behalf of our agents. *Signed,* Simon Bradstreet, Governor. ½ p. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 86.]

May 30.

Boston.

530. The President of the Council of New Hampshire to William Blathwayt. Asking him to present enclosed letters to the Lords of Trade and Plantations. *Signed,* Richard Waldern. ½ p. *Endorsed.* Recd. 8 Aug. *Enclosed,* the Proceedings of Council from 22 Nov. 1681 to 22 May 1682 (see No. 512 i.). [Col. Papers, Vol. XLVIII., No. 87.]

May 30.

531. Sir Henry Chicheley to Sir Leoline Jenkins. Things are much improved, thank God, since my last, though the rioters persisted by day or night till they had destroyed the plants of

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near three parts of Gloucester, half New Kent, the lower part of Middlesex, many plantations on the south side of Rappahannock county, and some few in York, before they could be allayed; divers parties of them conspiring at the same time to ruin the country. I hope now to secure the properties which are untouched. I am somewhat apprehensive of the King's soldiers. The reductions of their pay after their long forbearance, and the debts that they have contracted makes them almost desperate and extremely unruly. Besides which they have served from the 1st April till now, for which no money is arrived. The country had never more need of their services than now, but they are more inclined to give trouble by joining with the discontented planters than to give help. Should they join the malcontents I should greatly fear a renewal of disorder, but we are taking all care. *Signed*, Hen. Chicheley. $\frac{3}{4}$ p. *Endorsed*. [Col. Papers, Vol. XLVIII., No. 88.]

May 31.
Maryland.

532. Lord Baltimore to Sir Leoline Jenkins. Since my last I have sent over to Virginia, but Secretary Spencer was not then returned from James City; I understand, however, that many of the tobacco cutters have been apprehended and the most part dispersed. It is said that Beverley is arrested, and that the total plants destroyed represents six or seven thousand hogsheads, or as some say ten thousand. I send you a relation of my difference with Nicholas Badcock; also a declaration that he was never called before Council; also letters from Rousby to William Steevens, and to Robert Ridgeley. The letter being very long I have given an extract only. Rousby seems determined to return to his old habit of taking an easy penny as he calls it. The King's customs suffer from this, I am convinced. Pray let collectors be ordered to give me a copy of their instructions and of all fresh orders in future. *Signed*, C. Baltemore. 1 p. *Annexed*,

532. i. Petition of Lord Baltimore to the King. A repetition of the excuses put forward in the letter of 18th May (*see ante*, No. 537), with a humble prayer for pardon. *Signed*, C. Baltemore. *Broad sheet*.

532. ii. "A true relation of the dispute and difference that happened between me and Mr. Nicholas Badcock," about the ships Dolphin and Freeman, Alexander Dennet and Edward Tarlton masters. A repetition with trifling additional details of the story told in his letter of 18th May. *Signed*, C. Baltemore. 29th May 1682. $2\frac{1}{2}$ pp. *Endorsed*.

532. iii. Certificate of the Chancellor of Maryland that he did give Lord Baltimore his opinion on the dispute with Badcock, not having then seen the authority by which Badcock acted. *Signed*, Philip Calvert.

532. iv. Certificate of the Clerk of the Council of Maryland that Badcock was not called before the Council there. *Signed*, John Llewellyn. 6th June 1682.

532. v. Christopher Rousby to Colonel Stevens (*abstracted above, see No. 325, of 14th December 1681*). *On same sheet*.

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- Extract from the letter from Rousby to Robert Ridgeley, of 6th December 1681 (*see ante*, No. 312). [Col. Papers, Vol. XLVIII., Nos. 89, 89 I.-V].
- May 31. **533.** Duplicate of foregoing letter, and of enclosures I.-IV., with triplicate of enclosure No. II. [Col. Papers, Vol. XLVIII., Nos. 90, 90 I.-IV].
- May 31. **534.** Abstract of the same letter and of its enclosures. 1 p. [Col. Papers, Vol. XLVIII., No. 91.]
- June 1.
Barbados. **535.** Return of Exports for the half year 1st January to 1st June 1682. Total value, 3,594*l.* 15*s.* 1*½d.* [Col. Entry Bk., Vol. IX., No. 7.]
- June 2.
Boston. **536.** Edward Randolph's deposition concerning the ship Hope. Respecting his seizure of her for landing wine without making entry with him. $\frac{1}{2}$ p. Copy attested by Edward Rawson. Endorsed. [Col. Papers, Vol. XLVIII., No. 92.]
- June 3. **537.** Lords Proprietors of Carolina to the Governor and Council of Ashley River. Permit for the issue of two thousand acres of land to Captain Elias Clifford. Signed, Craven, Shaftesbury, J. Archdale. $\frac{3}{4}$ p. [Col. Entry Bk., Vol. XX. p. 203.]
- [June 3.] **538.** Index of papers relating to Massachusetts from 9th May 1670 to 3rd June 1682. 14 pp. [Col. Papers, Vol. XLVIII., No. 93.]
- June 5. **539.** Circular from the King to the Governors of the New England Colonies. Announcing that he has taken New Hampshire under his immediate authority; and that he has instructed the Governor to give them all help in time of need, and looks for the like from them. [Col. Entry Bk., Vol. XCIX., pp. 158a-159.]
- June 5.
Whitehall. **540.** The Lords Proprietors of Carolina to [the Governor and Council of Carolina?]. We have recently made new regulations for government which we hope have reached you. We forbid any person to take up land within two miles, on the same side of a river, of an Indian settlement. Those who take up lands near the Indian settlements must help them to fence their corn that no damage be done by the hogs and cattle of the English. For we conceive that the Indians will be of great use to the English. Signed, Craven, Shaftesbury, P. Colleton, John Archdale (for Thomas Archdale). [Col. Entry Bk., Vol. XX., p. 195.]
- June 7. **541.** Lords Proprietors of Carolina to [Governor and Council of Ashley River]. Mr. John Ashby, who has done us much good service in procuring seeds, wishes to enlarge his plantation. Permit his agent to take up not more than three thousand acres. Signed, Craven, Shaftesbury, P. Colleton. [Col. Entry Bk., Vol. XX., p. 204.]

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June 7.

542. Journal of Lords of Trade and Plantations. Sir William Stapleton's letter of 25th March read (*ante*, No. 447) respecting the seizure of Henry Brunet's ship and the suspension of proceedings owing to Brunet's naturalisation in Virginia. The Lords agreed to ask Chief Justice North's opinion, 1. If any alien naturalised in Virginia can lawfully trade in any other of the King's dominions. 2. Whether Sir W. Stapleton's proceedings have been according to law. The question as to the treaty of neutrality to be brought before the King.

The Lords were acquainted that the laws of Jamaica passed on 2nd July and 28th October 1681 were arrived (see Nos. 160, 270). Petition of Philip Dogherty and Richard Roerty respecting the cruelties of the Spaniards in the West Indies read. Secretary Jenkins to communicate them to the Spanish Ambassador. [Col. Entry Bk., Vol. CVII., pp. 25-30.]

June 7.

543. William Blathwayt to Sir Leoline Jenkins. Forwarding copy of Sir Henry Morgan's letter of 8th March 1682 (*ante*, No. 431), for representation thereon to the Spanish Ambassador. [Col. Entry Bk., Vol. XCVII., p. 101.]

June 7.

544. William Blathwayt to Lord Chief Justice North. Forwarding copy of Sir William Stapleton's letter of 25th March (*ante*, No. 447), for his opinion as to the condemnation of the ship. 1 p. *Endorsed. Annexed,*

544. I. State of a question concerning a New England vessel condemned in the Leeward Islands. An Act of Assembly has lately been passed in Virginia enabling the Governor to naturalise inhabitants of that Colony, being aliens or foreigners. The Act of 12 Car. II. forbids trade with the Colonies to all ships that are not owned by the people of England, Wales, Ireland, and Berwick, or are not built in the King's dominions abroad, under penalty of forfeiture. May an alien naturalised in Virginia lawfully trade to any other of the King's dominions? 1½ pp. *Endorsed.* [Col. Papers, Vol. XLVIII., Nos. 94, 94 I.]

June 7.
Nevis.

545. Governor Sir William Stapleton to William Blathwayt. On the 5th instant Captain Christopher Billop of His Majesty's ketch Deptford, by my orders weighed anchor, seeing a vessel tacking off the harbour several times without colours and sometimes with French colours. In fine she happened to be an interloper. The ketch coming up with her fired according to custom athwart her forefoot to make her salute the King's colours. As she did not obey the ketch fired at her, which fire she returned killing one man and wounding two. After a short conflict the ketch carried her into the old road of St. Christophers. Being at this time and distance from them, I can give no fuller account. *Signed.* 1 p. [Col. Entry Bk., Vol. XLVII., p. 42.]

June 7.
Middle
Plantation.

546. The Secretary of Virginia to Sir Leoline Jenkins. The only occurrence since my last is the completion of the disbandment of the soldiers this day. Their arms, partisans, halbersts, and drums,

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are returned into store, and care has been taken for the passages of such as wished to return to England. Many more are provided for by being entertained by the garrisons at the heads of the rivers. While the disbandment was proceeding the danger of the Government was great, and the delay unavoidable. The soldiers and the plant-cutters encouraged by the general disorder supported each other. The soldiers, maddened by the wildness of the rabble, insisted on terms of disbandment, and, to gain them, refused for some days to quit either the main-guard or the magazine. Gentle methods were thought best for them and proved effectual. At present matters are quiet all over the country though not so firm as to be sure that the malignant humour may not break out again. The militia horse of Gloucester and New Kent are ordered to be in motion to preserve the peace. Our Indians, thank God, have as yet given us no anxiety this summer, and I hope will not, so that I may have no more returns to send you. *Signed.* Nicho. Spencer. $1\frac{1}{4}$ pp. *Endorsed.* Rec. 31 July. [Col. Papers, Vol. XLVIII., No. 95.]

June 7.
Boston.

547. Queries propounded to Governor Simon Bradstreet and the other members of the General Court of Boston by Edward Randolph. In trials under the Acts of Trade the defendants plead with success that those Acts are not in force in the Colony, not having been sufficiently published. I ask, (1) Is any law of the General Court of Massachusetts sufficiently published until made known by beat of drum and public reading? (2) Is any law not so published in force and to be owned as the law of the Colony? At a trial at the Court of Assistants on 1st June the Governor declared my letters patent were a sufficient warrant to me to search and seize vessels, &c. I ask, (3) Is not such declaration sufficient considering the powers specially conferred on the Governor to that end? And, has the General Court more power to alter an Act of Parliament than a clause in the Charter. At the same time the Governor and his assistant declared that three English Acts concerning trade were all of force in the Colony. I ask, (4) Should not such a declaration be received as sufficient? (5) And should it not be binding and warrantable ground for the King's officers to proceed on? (6) Are two of those Acts in force though not published by beat of drum? (7) Is the third of them, which has been published, in force, not being particularly mentioned as recited in the law. *Signed,* Edward Randolph. $2\frac{1}{4}$ pp. *Endorsed.* Reed. 23 June. [Col. Papers, Vol. XLVIII., No. 96.]

June 10.

548. The Secretary of Virginia to Lords of Trade and Plantations. I enclose the returns of the transactions of my office. As you may be puzzled why the Assembly was convened in spite of the King's order, I may mention that some time before the arrival of that order, Sir Henry Chicheley summoned it without the advice of any of the Council, and that when the order came it was too late to prorogue it. The foot companies are disbanded, though not without trouble; and the country is quiet, though the plant cutters

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are much aggravated by their defeat and the sufferers by their losses. Great circumspection will be necessary for a time, but if the next month passes quietly we may think ourselves free from further fears. By that time crops of tobacco will be planted in all the counties except Gloucester and New Kent (which have destroyed their plants), and when the other counties have planted their crops they will resolutely go on to complete them, so that the mischief, if any, will be bounded by Gloucester and New Kent. *Signed.* Nicho. Spencer. 2 pp. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 97.]

June 12. 549. Sir Henry Chicheley to Sir Leoline Jenkins. I have little to add to mine of 30th May. I hope to give you a full account of all our proceedings. All is quiet, but I know not what may come of the discontented planters and some foreign distracted Indians. Captains Arbuckle and Dix are not yet arrived. *Signed,* Hen. Chicheley. ½ p. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 98.]

June 12. 550. Sir Henry Chicheley to Sir Thomas Chicheley. I expected to have heard from you before, considering our difficulties with the disbanded soldiers (*see ante*, Nos. 531, 546). The first troubles came of my unlucky summons of the Assembly, which was the result of a letter from Colonel Bacon enclosing part of one from Lord Culpeper. They debated long over the retention of the foot-companies, but with other designs, and finally answered that the cost would be too heavy for the Colony in its present necessitous state. Then they were prorogued; and the rebellion broke out. It may seem wonderful that I disbanded the foot-companies at such a time, but the truth is that they were quite out of control. I have no doubt that I shall be censured at home for these accidents. I hear that some of the shipping trade intend also to prosecute an attack against me. One of the three last ships brings with her an Act passed by Lord Culpeper forbidding tobacco to be shipped except at the ports of co-habitation, or before the 20th March, in spite of which Act two of these ships, the Constant Mary and the Henry and Anne loaded up and sailed before the 20th. By the Act they are forfeited for doing so, unless all Acts are to be counted invalid until confirmed by the King, which has never been the practice. If there be an error, it is because Lord Culpeper has told us nothing of the King's resolutions. Nothing has been concluded here for near two years, which one could think was time enough to give notice to this poor Colony. Pray mention this to Sir L. Jenkins. "Your most affectionate brother and humble servant, Hen. Chicheley." 1½ pp. *Endorsed.* Recd. 30 Oct. 1682. [Col. Papers, Vol. XLVIII., No. 99.]

June 12. 551. Sir Henry Morgan to Sir Leoline Jenkins. I received by the hand of Sir Thomas Lynch the King's orders of 7th September last for my dismissal from the commands of Lieutenant-Governor and Lieutenant-General of Jamaica. I embrace them with all submission and obedience, but (though I speak it not from ambition

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of being continued, but for zeal for the King's service) I heartily hope the posts of Lieutenant and Major-General may prove as useless as they are represented to the King. Sure I am they have not appeared to be so hitherto, but whatever success the new direction of affairs here may have, my life and fortunes are always at the King's service. *Signed, Hen. Morgan. ½ p. Endorsed.* [Col. Papers, Vol. XLVIII., No. 100.]

June 12.
Jamaica,

552. Sir Thomas Lynch to Lords of Trade and Plantations. It is hardly possible to be alive and to have had more misfortunes than I have had on this voyage. After being sixteen or eighteen weeks wind bound, at extraordinary loss and expense, we embarked. We touched at Madeira, and there my wife miscarried and fell ill, so that after a month or five weeks I was forced to leave her behind with half my family. We left Madeira on 6th April, and five or six days later as we drew near the tropics I fell ill myself from the heat. We reached Barbados the 30th April, and stayed there three days. Between there and Jamaica I grew much worse, so that when I landed, on Sunday, 14th June, I was not able to go from pains and giddiness. However, I was led to church and there the King's commission was read. The same evening I swore them of the Council that were in town, and the rest next day, and I lodged at Captain Wilson's house, the King's being ready to fall. All the gentlemen in the county and the Militia were ready to attend me to town, but for six days I was unable to stir. During this time came a *barco luengo* from Cartagena, with a letter from the Governor asking leave to buy pitch, tar, &c., for refitting the galleons that were beaten back in distress. It seems that on the 8th May a storm took them, on their voyage thence, some twenty leagues to the eastward. One ship that had two million pieces of eight on board foundered, three others were driven back, and the rest proceeded to Havana. They have been in the Indies a year, and carried much plate. I gave him the leave he asked, and on 25th May sent the Norwich frigate with the *barco luengo* to Cartagena to convoy him, to acquaint the Governor formally of my arrival, and to demand some prisoners, and a sloop laden with sugar and indigo, that had run away from here. To induce him to do us right I sent him two Panama negroes brought by the pirates from the South Sea. While I was at the Point Captain Coxon, one of our famous privateers, brought me the enclosed commission, which I forward as a thing of the greatest import (*this enclosure is missing*). It is against the Treaty of Madrid, and I am sure it will cause a new sally of these rogues, whom any commission will serve. This extraordinary Captain-General Clarke was, I am told, one of Cromwell's officers. I know not whether he has his commission from Carolina or no. This "New Providence" and "Theory" are the Bahama Islands that lie to north of Cuba. They are barren and good for little, frequented by only a few straggling people who receive such as come to dive for silver in a galleon wrecked on that coast. I came here on the 25th May, though still very ill, because the officers and gentlemen would not

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go till they had seen me here. The King's house here being in as bad condition as that at the Point, I was constrained to go to Colonel Molesworth's. On the 27th May we had a Council, and I ordered Captain Morgan to send me an account of the arms and stores, which is here enclosed. I also ordered Sir Henry Morgan, Colonel Molesworth, Major Bach, and Captain Wilson to take workmen, inspect the ports, and make agreements for their repair. We also ordered the Collector to bring us the calculation of the revenue. This is not likely to amount to the apprcpriation this year, so I am like to live here, as I am come, at my own charge. The Collector has orders at the end of this month to give in his accounts for the last twelve months to the Deputy Auditor, who will bring them to the Council. I shall forward them to you that you may better understand what this revenue is, and whether the wool is answerable to the cry. I know not what to say of the laws, for I have only heard the Act of Revenue read, and I judge that if you do not like that you will not read the rest. I think we shall prorogue the Assembly to the time fixed by the Act, and before that the Council and I shall have your opinion on the laws, and shall know what to do. It is certain they will admit of no retrenchment by Order in Council. They seem to know what has been done in Virginia, Barbados, &c., and endeavour to provide against it. But possibly they may amend some things if you order it. I beg for your early instructions that I may call them and adjust with them if possible at least six months before the Act expires. *Signed*, Thos. Lynch. *Endorsed*. Recd. 16 Aug. Read 24 Aug. 1682. *Enclosed*,

May 31. 552. I. Account of Military stores at Port Royal, from May 1680 to May 1681; showing quantities expended and remaining in stock. *Long folding sheet. Signed*, Ch. Morgan, this last May 1682. *Inscribed*. Recd. 16 Aug. 1682. [Col. Papers, Vol. XLVIII., Nos. 101, 101. I., and Col. Entry Bk., Vol. XXX., pp. 69—73 (letter only).]

June 13. 553. Minutes of Council of Jamaica. Assembly prorogued to St. Jago de la Vega. 26th October. The Governor gave his certificate that he had taken the test; ordered that entry be made of the Councillors' doing likewise. Ordered that the Receiver-General pay His Excellency six months' salary.

14th June. Ordered that a proclamation be prepared proroguing the Assembly till 21st September. [Col. Entry Bk., Vol. XXXVI., pp. 2a—3a.]

June 13. 554. The King to Sir William Stapleton. Forwarding the petition of Benjamin Middleton for enquiry and report, and ordering that meanwhile any Act passed to his prejudice be suspended pending signification of the King's pleasure. *Counter-signed*, Conway. [Col. Entry Bk., Vol. XCIII., pp. 167a, 168.]

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- June 13. **555.** Minutes of Council of Barbados. Order for the Commissioners of fortifications to leeward to report as to the resources available and necessary to finish the fortifications. Order for the Colonels of horse and foot to obey the previous order of 20th March. Order for payment of 15,489 lbs. of sugar to Thomas Bringhurst. The King's warrant for the appointment of Robert Davers to the Council read, after which the said Robert Davers took the oaths and his seat.
- June 14. Order for the Judges of the Courts of Common Pleas to confer and present in writing an uniform code of methods and rules which shall be used in all the Courts, also that they instruct their clerks to be very careful to enter all records of writs of summons. Adjourned to 27th instant. [Col. Entry Book, Vol. XI., pp. 525-528.]
- June 14. **556.** Governor and Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of Council's affairs and of imports. Signed, Ri. Dutton, Fra. Bond, Richard Howell, Alex. Riddocke, Henry Walrond, Thomas Walrond, Jno Witham. 1 p. Endorsed and inscribed. Recd. 16 Aug. 1682. With a list of the enclosures endorsed, viz., Council Minutes, 24 Jan. 1682 to 29 April 1682, and three Acts. [Col. Papers, Vol. XLVIII., No. 102, and Col. Entry Bk., Vol. VII., p. 132.]
- June 14. **557.** Journal of Assembly of Nevis. Proposed that two sloops well fitted for war be joined to the two from Antigua and the two from Montserrat to attack the Indians in Dominica. The Council concurs. The Assembly dissents, as Nevis has nothing to fear from Indians, and has not been troubled with them these twenty years. The coopers' petition granted, on condition that no more negroes or slaves be taught the trade. The Assembly concurred. [Col. Papers, Vol. XLVIII., No. 79.]
- June 14. **558.** Order of the Governor and Court of Massachusetts, empowering their agents to spend up to 1,000*l.* to "improve any meet instrument for the obtaining of a general pardon and a continuance of the charter." Dated 5th May 1682. A further order authorising credit for 3,000*l.* for the same purpose. Dated 14th June 1682. Copies. 1 p. Endorsed, Rec. 25 Apr. 1684. [Col. Papers, Vol. XLVIII., No. 103.]
- June 14. **559.** Edward Randolph to Sir Leoline Jenkins. I gave you an account of the agents to be dispatched to England. That they may not fail of success the poor people have been taxed heavily to pay for that which their promises and pretences cannot obtain. Their last agents brought 4,000*l.* to account, part of which was disposed of to persons of great station at Court, by whose help, together with that of their Counsel, the Attorney-General, Sir William Jones, they averted the King's intended alterations in their government. But both Sir William Jones and Sir Francis Winnington have left their opinions on record with the Lords of Trade and Plantations that the misdemeanours objected against the

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corporation of Massachusetts contain sufficient matter to void the patent, which, however, cannot be done without a *quo warranto*. Since then, as if their former misdemeanours were not sufficient, they have opposed the King's letters patent and myself in the execution of my office. Endeavours are still used by the fanatics at home to keep up the minds of this faction by sending hither all sorts of scandalous papers in vindication of Lord Shaftesbury and Captain Wilkinson's information concerning Lord Shaftesbury. The prosecution of dissenters at home, and the appointment of Mr. Cranfield to New Hampshire has shaken the faction. Many of the loyal in this Colony expected that Mr. Cranfield would have been empowered to take over this government also. Whatever the agents may say, no good can be done here till the King settles matters by appointing an able and honest Governor. Nothing is to be expected of the reigning faction here but tricks. We hear, and hope it is true, that the Bishop of London is sending over to us an able Minister. Many will rejoice thereat, their children being still unbaptised and none admitted to the sacrament but members of their own congregational church. Ever since the Restoration this government has been complained of, but troubles at home have prevented the regulation of abuses. At the time of the rebellion in England, the disciples of Sir Henry Vane and of Hugh Peters got into the government, and saving eight or ten honest men few or none but rigid independents are in the highest places. Their will is their law; they eat and tax at pleasure all that are not of their party; they use the King's name to abuse his good subjects; and now whoever complains is punished for speaking against his government. Nothing will reduce the place to obedience, nor ease the suffering of their burden but a *quo warranto*, so often and so necessarily pressed for. Doubtless large complaints will be made at the Council. The Treasury and Custom-house are against me (as Mr. Danforth told me in open Court) as an opposer of the King's authority and disturber of his subjects. I have attended the King's service here for near seven years, have faithfully represented the public proceedings, and find no performance of the engagements faithfully promised at Whitehall. I have explained the reasons in my previous papers, and if I have offended I beg your intercession with the King. Mine is a troublesome place, having to do with a faction whose Christian policy is to support themselves by falsehood. I will stake my good reputation that if the agents come back with an olive branch, as our preachers pray here, that branch will be a fatal tree to me.
Holograph. 2½ pp. Endorsed. Recd. 8 Aug. 1682. [Col. Papers, Vol. XLVIII., No. 104.]

June 14.

560. Journal of Lords of Trade and Plantations. Three letters from Virginia of 8th May (*see Nos. 493-495*), respecting an insurrection, read, after which Lord Culpeper was called in, and several documents were read showing that the people much desired a cessation of planting tobacco. The Lords thereupon agreed on their report (*see next abstract*).

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Lord Chief Justice North's opinion on Brunet's case (*see ante*, No. 544) read, to the effect that naturalisation in a colony is only local.

Draft of a letter to Sir R. Dutton in favour of the Royal African Company read. The Attorney and Solicitor-General to report what instructions the King may legally send to governors on behalf of the Company, the King being anxious to encourage it. [Col. Entry Bk., Vol. CVII., pp. 30-33.]

June 14.
Whitehall.

561. Report of Lords of Trade and Plantations to the King. We have received three letters from Virginia, dated 8th May (*see ante*, Nos. 493-495) reporting the insurrection in Gloucester County with its causes. We recommend that Lord Culpeper be ordered to repair to his government with all possible speed, to find out the promoters and abettors of this insurrection and to stop its further progress; and that to this end the frigate intended for Jamaica be immediately fitted out to carry him to Virginia, his Lordship having declared himself ready to go at a week's notice if necessary. We recommend also that in view of the nature of the insurrection some person who shall be found most guilty shall be forthwith punished, after which, and not before, the Governor may propose to the Assembly some method to temper the planting of tobacco, and so raise its price. And since Robert Beverley is represented as a promoter of these disorders and instructions have been given to Lord Culpeper to put him out of all places of trust, we recommend that those instructions be renewed and forthwith executed. Lastly, we offer that Lord Culpeper be directed to sell all such of your warlike stores as the county will buy, and secure the rest for your service. [Col. Entry Bk., Vol. LXXXII., pp. 74-77.]

June 14. **562.** Notes apparently made for the report of same date, and headed "Sir H. Chicheley." *Endorsed*, Note about Virginia. $\frac{1}{4}$ p. [Col. Papers, Vol. XLVIII., No. 105.]

June 15. **563.** Minutes of Council of Virginia. Order for the transfer of Robert Beverley to the custody of the sheriff of Northampton, to be strictly guarded. [Col. Entry Bk., Vol. LXXXIV., p. 127.]

June 16.
Accomack,
Virginia.

564. Charles Scarburgh to Sir Leoline Jenkins. It may seem strange for one so unknown as myself to address you, but my duty must be my excuse. The order of the Lords of Trade and Plantations is to transmit the journals of the Assembly, which by order of the House I am appointed to do, as also to give you an account of our deplorable condition. To do so adequately would require a volume, so I shall only say with the prophet "The whole head is sick, and the whole heart faint; from the sole of the foot even unto the head there is no soundness in it." *Signed*, Cha. Scarburgh. *Holograph*. 1 p. *Endorsed*. [Col. Papers, Vol. XLVIII., No. 106.]

June 16.
Barbados.

565. Sir Richard Dutton to [William Blathwayt]. I had hoped to have received instructions from you before this, but have been

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disappointed, which gives me melancholy apprehensions that my conduct is not approved. However, though reproved, I have acted for the best. I have sent constant reports home, but the pressure of business in this great heat has much impaired my health, though I think that it would soon be restored by a breath of my native air. I beg leave to return home next spring for three or four months, if my indisposition grows on me. I shall take care to leave behind me a deputy under whose guidance affairs will be safe, and it would be a gain to the King's service to hear an oral report from me of the state of these Colonies. I am out of purse at least 500*l.* since my arrival, and have not received a penny from the King since I took up the government, which is insupportable to me. I place myself in your hands. *Holograph.* 1 *p.* *Endorsed,* Recd. from Mr. Blathwayt, 8 Aug. [Col. Papers, Vol. XLVIII., No. 107.]

June 17.
Whitehall.

566. Order of the King in Council. Approving the report of the Lords of 14th June (*ante*, No. 561) respecting the insurrection in Virginia, and directing each recommendation to be carried into effect. Robert Beverley to be put out of all public employment on the arrival of Lord Culpeper. [Col. Entry Bk., Vol. LXXXII., pp. 77-80.]

June 17.
Whitehall.

567. Order of the King in Council. That Lord Culpeper embark for Virginia on the 1st August, and hold himself in readiness to embark at a week's notice. A frigate to be immediately equipped for him. [Col. Entry Bk., Vol. LXXXII., p. 81.]

June 17.
Whitehall.

568. Order of the King in Council. Report of the Lords of Trade and Plantations on petition of Thomas Sands, dated 1st June 1682. Ordered thereupon that Order in Council of 24th May 1678 be confirmed, and that petitioner be allowed to ship out of Virginia 580 hogsheads of tobacco free of the impost of that country in consideration of his losses, but that this allowance is not to be made a precedent. Lord Culpeper to see to the execution of this order. [Col. Entry Bk., Vol. LXXXII., pp. 81-83.]

June 17.

569. Extract from a letter to Lord Baltimore from the Commissioners appointed to settle the boundaries of Pennsylvania and Maryland. We have taken three several observations, and in all of them have not differed two minutes. We find Mr. Augustine Harman's house to lie in 39° 45', so that you have still fifteen minutes from here due north, which will go not far short of Upland; and this differs very little from their own observation lately taken, as we are credibly informed. We have tried to let all here know of your desire to determine the bounds. All seem much satisfied with you and blame Mr. Penn much, that after so many flourishes he should be thus backward. We question not but the line will fall to your satisfaction. *Copy.* 1 *p.* *Endorsed.* [Col. Papers, Vol. XLVIII., No. 108.]

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June 17.

570. The Clerk of Assembly of Nevis to Lords of Trade and Plantations. Forwarding Journal of the Assembly from 7th February to 13th April 1682. *Signed*, Thomas Thorne. [Col. Entry Bk., Vol. XLVII., p. 45.]

June 17.
Barbados.

571. Return of imports and of shipping from 17th March to 17th June 1682. 4 pp. [Col. Entry Bk., Vol. IX., No. 5.]

June 18.
Nevis.

572. Governor Sir William Stapleton to Lords of Trade and Plantations. I beg your particular attention to these lines, reporting the killing of one of the King's subjects and the wounding of six. I cannot say whether this will be found murder or rebellion, the truth coming about in this way. On Monday, the 5th instant, the ship Providence, of London, whereof George Nanton was master, was seen tacking off and on in sight of us all towards this roadstead, and in the end steering towards Statia. Captain Billop, of the Deptford, set sail after her, and, on firing a shot across her forefoot, to his great surprise found his fire returned, with the result already told. After preparation for action he summoned her to submit, and on refusal boarded her, and his men were called cruel rogues and pirates for their pains. I cannot yet get all the necessary affidavits drawn owing to the neglect of Captain Billop, who has hindered his men from coming forward, to prevent the discovery of the embezzlement by himself and his men of negroes' goods and African merchandise. I shall give you a fuller account of this in a later despatch. Billop went down to St. Christophers, though the wind was northerly, and as fair for his voyage hither as thither; he then stayed there five days without giving me the least account of his proceedings, apparently not thinking me worthy the appraisal of the death of one of the King's subjects and the wounding of others. After trying and condemning the ship's goods according to the Company's charter and the King's proclamation, I commissioned three gentlemen of the Council and a justice of the peace to examine Captain Billop and the warrant officers and seamen of the ketch respecting the embezzlement of ivory, red wood, copperas, wax, and all other African commodities. How they have been slighted shall appear under their own hands. Of two hundred and fifteen negroes imported hither Billop and his men have conveyed away all but eighty-four of the worst and twelve infected with small-pox, besides eight or nine killed, to say nothing of three or four m^{llns} (*sic*) of elephants' teeth, of which he gives no account, not being satisfied with the fourth share allowed him by the Royal African Company. I have taken no part directly nor indirectly in the division of the charter, nor am I otherwise concerned in it than is prompted by my duty to the King; but if I allowed so palpable a fraud to pass, I might be justly suspected of connivance in the embezzlement of confiscated goods before adjudication. I send for the present an abstract (*see next abstract*) of the most material depositions, and shall send the authentic copies, or the originals, and the Commissioners' report hereafter. The trial for the murder is appointed for Monday next.

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It is hardly worth any one's time to beg for the King's share after such a "havoc and harlam," otherwise I should have begged you to procure it for me, for I was obliged to pay dear for the King's gift of the Tobago negroes, being compelled to refund 700*l.* *Postscript.*—I venture to suggest that you might cause the pay of the captain and crew of the ketch to be stopped to answer in part for the King's share. *Signed.* [Col. *Entry Bk.*, Vol. *XLVII.*, pp. 45–48.]

June 19.

Nevis.

573. Abstract of the depositions taken on 12th June concerning the embezzlement of goods on board the ship Providence by Captain Billop. A list of the witnesses examined, with the pith of their evidence. Attested by John Netheway, Charles Pym, and Jos. Jory, 19th June 1682. 2 *pp.* *Endorsed.* Reed. 24 August 1682. [Col. *Papers*, Vol. *XLVIII.*, No. 109.]

June 19.

574. Minutes of Council of Virginia. Order that Robert Beverley, who has escaped and been recaptured, be brought to James City. [Col. *Entry Bk.*, Vol. *LXXXIV.*, p. 128.]

June 20.

Jamaica.

575. Sir Thomas Lynch to Sir Leoline Jenkins. To add to the misfortunes of my fatal voyage I left my wife dying at Madeira, and as soon as I got into the tropics was taken ill myself. I have not been able to go, much less to write and give you an account of affairs. I was received with the usual noise that new Governors have, but found no house nor revenue, so was constrained to lodge for a month with my friends, and am now living at my own expense, which is very hard after having come here at such vast charge. I have made no alteration, only have put in Colonel Long as Chief Justice again. The people are waiting for the Lords' opinion of their laws, and seem confident they will pass. I have asked their Lordships to let me know their pleasure as soon as possible, in order to communicate it to the Assembly, and prepare the amendments that the Lords may direct. What they will do I know not. *Holograph.* 1½ *pp.* [Col. *Papers*, Vol. *XLVIII.*, No. 110.]

June 21.

576. Journal of Assembly of Nevis. Proposed by the Governor that measures be taken for suppressing and cutting off the barbarous Indians. Proposed by the Governor that the Act for impost on liquors be made perpetual. The Council concurred; the Assembly dissented. Proposed by the Governor, Council, and Assembly that no payment from the public stock be made by the treasurer except by warrant signed by the Governor and countersigned by one of the Council and the Speaker of the Assembly. Proposed that no person shall vote for an Assemblyman unless he has four acres of land of freehold. Agreed to by Governor, Council, and Assembly. [Col. *Papers*, Vol. *XLVIII.*, No. 79.]

June 21.

577. Minutes of Council of Virginia. Order for the delivery of the arms of the disbanded soldiers to John Page. [Col. *Entry Bk.*, Vol. *LXXXIV.*, p. 128.]

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June 23.
Whitehall.

578. The King to the Governor and Company of Massachusetts. We have long had before us the complaints of Robert Mason against you for your exclusion of him from his territory in New Hampshire. We have taken the opinions of the Attorney and Solicitor-General and of the Chief Justices, who inform us in their report that your agents renounced the land claimed by Mason, and recommend that, as many parties are engaged, the case had better be tried by the local Courts on the spot. We therefore order that Mason be admitted forthwith to prosecute his rights in the Courts of Judicature, with right of appeal to us in Council. Also, since your agents have renounced claims to the lands between Naumkeg and Merrimac, you will put Mason in possession thereof forthwith. You will see that he has every facility for pursuing his legal proceedings. 3 pp. [Col. Entry Bk., Vol. XCIX., pp. 160-162.]

[June 23.] **579.** Edward Randolph's reasons for his protest against the law for creating a Naval Office, passed by the General Court of Massachusetts on 15th February 1682:—(1) The Act includes some of the English Acts of Trade and excludes others. (2) The erection of a Naval Office without the Governor's consent is repugnant to an Act of 15 Car. II. (3) The rule ordering masters of ships to enter and clear with their naval officer is repugnant to the Act which requires them to do so with the King's naval officer. (4) In the matter of bonds there is a repugnance analogous to the foregoing. (5) Also in the matter of certificates and (6) of security. The matter is argued at length. *The whole, 3½ pp. Signed, Ed. Randolph. Endorsed. Recd. 23rd June 1682.* [Col. Papers, Vol. XLVIII., No. 111.]

June 24.
Boston.

580. Abstract of letters from Edward Randolph. 16th May to 24th June. *Letter to Commissioners of Customs, 16th May 1682.* The Governor allowed my patent and powers, and denied his pass to ships outward bound until they produced my certificates. Some masters entered with me. But Mr. Danforth made a faction against me in the General Court, giving out that the charter of New England would be overthrown by my patent, and that the General Court alone had the right to appoint officers, also that none had power to seize ships without warrant from the governor or a magistrate. The faction being the Deputy Governor and six magistrates out of twenty, and the majority of the Court of Deputies carried it against the rest, and made a law that vessels should clear with Mr. Russell, their own newly-appointed naval officer. They published this law 25th March, and then called a council, when the Governor refused to swear Russell, but Danforth swore him in contrary to law. 4th April I protested publicly. 27th April I prosecuted two persons for threatening me in case I went aboard to visit. I offered to make affidavit thereof, but Captain Richards refused to swear me. The Johanna of Piscataqua smuggled fruit and Spanish wine ashore. I was directed to the warehouses, where they asked for the Governor's warrant; but the Governor held that the Act for preventing frauds was not intended

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to apply to the Colonies. The Swallow of Salem brought Scotch goods, but refused to show me her clearing, and my waiters were driven from on board her. Another ship entered with me, but refused to enter on oath. The Hope of Boston unloaded before entry, and Russell granted a search warrant, but hearing that I was ready also to search allowed the master to make entry, and I seized this ship. Ships from Virginia enter as they please; two of the Acts for Trade are not recognised in Boston; ships are loaded for Newfoundland but go to Scotland. The Customs were formerly worth 1,000*l. per annum*; since my coming it is worth but 400*l.* Sugar is brought from the West Indies, but the ships enter with Russell and refuse to enter with me. The faction is somewhat discouraged, however, by recent news from England. New Hampshire copied Boston; fined and imprisoned my officers, but grew more moderate since the news that Mr. Cranfield was coming. The news from England also saved me from prosecution under their revived conspiracy law. *Letter to the same, 14th June 1682.* I had three trials at Boston on 1st June. The first was for Scotch goods brought in the Susanna. Just before the trial the evidence was conveyed out of the way. I moved that the merchant being a Scotchman should show his clearing which he could not, but the goods were none the less acquitted. The next was the case of the Hope. I was cast because I had no warrant. The Governor and magistrate held my patent to be sufficient warrant and sent out the jury three times, but they would not alter their verdict. Appeal was refused pending signification of the King's pleasure. The third was the William of Bristol, which was acquitted. With the consent of the Governor I drew up some queries which were read in the General Court. The deputies are much displeased thereat and are suddenly dissolved. *Letters of 20th and 21st December 1681.* I have been coldly received. I suspect they have a copy of my articles against Danforth. The factious party are against the Governor, and have ordered his salary to be paid in Indian corn at 3*s. 6d.* a bushel, which is above the market price. The laws have not been repealed as reported to Sir L. Jenkins. They were reviewed and some corrected, and new laws were prepared, but the Deputies would have no alteration. The Acts of Trade are not yet declared law. *Letter of 11th January 1682.* By the law of the Colony the people have appropriated fines and forfeitures to themselves. Owing to my articles against Danforth he has a majority of votes to be the next Governor. Bradstreet is eighty years old. I wish Danforth to be summoned to England. *Letter of 10th April 1682.* The General Court sat for five weeks from 15th February. They have erected a naval office of their own, and they have revived an old law making it death to attempt to subvert the Government, which is directed against me. They allow me to make no seizures without security or without warrant from the Governor. The Agents, and their instructions. Waldern and Vaughan of New Hampshire are consulting the General Court how they shall receive the King's Patent. *Letter of 18th May 1682.* Of the Agents Dudley is opposed to Danforth's

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faction ; his fortune is to make ; he could be gained and would be useful. Richards is a bigot against the Governor. The grounds of their defence are :—1. Confirmation of their Charter by the Royal letters of 28th June 1692. 2. Their power to choose officers. 3. The Act of Trade directs the Governor to take the oath, but the King's letter is addressed to the Governor and Company, and therefore the General Court is the Governor intended. The Governor had proposed to recognize Randolph and always refused to recognize Russell. Dudley will give you a sight of the Agent's private instructions, which are said to be saucy. Richards told me that they have private information of all my articles, petitions, &c. Pray let these articles be answered by the Agents before they are allowed to criminate me. I am still obstructed in every way. Danforth's creatures are the great obstacle. *Letter of 25th May 1682.* Great endeavours were made yesterday to elect Danforth Governor but he lost it by much. *Letter of 14th June 1682.* My protest has been inspected. I wrote to the Governor protesting against Danforth's hearing my appeal in the province of Maine, but the Court breaking up suddenly the letter was not read. I shall go to Maine to desire the continuance of the appeal till I have an impartial judge. *Letter of 24th June 1682.* I recommend the business of Richard Smith who desires that the case of Hog Island between himself and the Governor of Rhode Island may, if undecided, be referred to Mr. Cranfield. The Governor of Rhode Island has evaded the taking of the oath to observe the Acts of Trade. *List of documents enclosed.* 10 pp. *Endorsed.* [Col. Papers, Vol. XLVIII., No. 112.]

June 25.

581. Lords of Trade and Plantations to the Governor of New Hampshire. Requiring a full account of the province and of the working of the Acts of Trade and Navigation. *Signed,* Anglesey, Ailesbury, Arlington, Clarendon, Craven, L. Jenkins. [Col. Entry Bk., Vol. LXVII., pp. 64–66.]

June 25.

582. Minutes of Council of Virginia. Order for the transfer of Robert Beverley to the custody of the sheriff of Northampton. Order for Colonel William Cole to impress a suitable vessel and collect sufficient men to be in readiness to sail in chase of a pirate which has lately taken property from two houses on Tindall's point. A further order for transfer of Robert Beverley to James City to be brought before the Council. [? Misdated for 25th July.] [Col. Entry Bk., Vol. LXXXIV., pp. 129–130.]

June 27.

583. Minutes of Council of Barbados. Captain John Dempster being returned a member of Assembly took the oaths and signed the test.

June 28.

Bill for the settlement of the militia sent down to the Assembly. Order for Thomas Bringhurst to inspect and report on the condition of the powder issued to several persons between 1672 and 1681.

June 29.

The Assembly brought up the Militia Bill with amendments, some of which were accepted. John Witham, Edwyn Stede, and

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Thomas Walrond appointed to confer with them as to the rest. The Assembly also brought up a Bill to supplement the Act for the better ordering of negroes. On petition of Joseph Jephson the Governor issued his warrant to the Treasurer for payment of the sums due to him.

June 30. The Assembly brought up sundry expiring Acts to be continued, also the Militia Bill, still with the amendments which the Council had rejected. The Council adhered to its rejection and a second conference was held. The Assembly brought up a Bill to encourage the importation of Christian servants. Order for the Treasurer to pay current expenses out of the funds now in his hands.

July 1. Order for payment of debts from the public due to Jeremiah Cooke and George Andrews for labour and hire of lands for fortifications; the Provost Marshal to gather in the arrears due to the public with all speed. Acts respecting tickets of the Secretary's office and for destruction of monkeys read a second time, amended and sent to the Assembly. The Assembly agreed to the former. The Assembly brought up the Militia Bill with a supplemental clause which was rejected. The Governor told them that they had been very tedious in dealing with this Bill, and must decide whether to pass it or continue the old Act. They chose the latter. The Governor promised to examine the statement that Thomas Forrester had converted fines and forfeitures to his own use. [Col. Entry Bk., Vol. XI., pp. 528-536.]

June 27. **584.** Journal of Assembly of Barbados. The Committee presented the amendments to the Militia Act. Voted that the members of Assembly be rebated one horse, and that refractory persons be dealt with as under the old Act.

June 28. Militia Act. Voted that two tenants occupying two acres of land be allowed instead of three servants; that the appearances of the life-guard on alarms remain unchanged; that one hundred acres be a fit estate for a field officer. Act for settlement of militia received from the Council. One amendment carried. Act for ascertaining parish boundaries and every man's land received from the Council.

June 29. Militia Act amended and returned to the Council. Supplemental Bill to the Act for the better ordering of negroes read a first time. The Governor asked for a Committee of the Assembly to meet one from the Council on the amendments to the Militia Act. Christopher Codrington, Richard Guy, Edward Littleton, John Codrington, Richard Seawell, William Foster, and John Davies appointed. Act subjecting rents and profits of lands and negroes to taxation read a first time. The Committee of Conferrers reported the amendments of the Militia Bill that were not consented to by the Council. Voted that half the fines raised under the Bill be paid to the treasurer, and that the Bill endure for two years.

June 30. Several Bills for the revival of expiring laws read. Voted that the amendments to the Militia Bill shall pass as now read. The Committee reported that the Council would not agree to two of

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the amendments. Address to the Governor requesting authority for the Treasurer to use 1,000*l.* of the levy for payment of local debts, since he cannot get bills to remit the same to London.

July 1.

Militia Bill. Clause granting 70*l.* per annum to the Marshal of Horse and 60*l.* to the Marshal of Foot passed. Act for destruction of monkeys returned from the Council with an amendment which was accepted. Bill respecting tickets from the Secretary's office returned from the Council with amendments. Bill for prolonging the old Militia Act for another six months read. Address to the Governor requesting that Thomas Forrester be compelled to give to the public certain sums that belong to it. Adjourned to 11th July. [Col. Entry Bk., Vol. XIII., pp. 484-490.]

June 28.

585. Journal of Lords of Trade and Plantations. The Lords desire Secretary Jenkins to consider whether the Act for the better resettlement of St. Christophers is consistent with the Treaty of Breda. Sir William Stapleton's letter of 6th April (*see No. 460*) read. The Lords, to lessen the expense of ordinary recruits, agree to report that men may be sent as supernumeraries with the frigates from time to time, and thirty-nine men sent by next opportunity. On Brunet's case the Lords, in Chief Justice North's opinion, hold his ship to have been justly condemned.

Mr. Randolph's letter of 10th [11th] April read (*see No. 466*). [Col. Entry Bk., Vol. CVII., pp. 33-35.]

June 28.
Council
Chamber.

586. Report of Lords of Trade and Plantations to the King. We have received a letter from Sir William Stapleton dated 25th March (*see ante*, No. 447), reporting the condemnation of a ship part-owned by Henry Brunet, a Rocheller. We have consulted Chief Justice North on the question raised by Sir William, and we agree with him that this ship has been lawfully seized and condemned. Sir William should therefore put the bond in suit, and oblige the surety to answer to you for the value of the ship and goods. Sir William also asks in a letter of 6th April (*ante*, No. 447) for occasional recruits for the companies in St. Christophers. This may be easily and cheaply done by the conveyance of the ships sent from time to time to the Islands, and we suggest the sending of thirty men by the Lark frigate, which will presently be sailing, as supernumerary to the complement of the ship. [Col. Entry Bk., Vol. XLVII., pp. 40-41 and pp. 43-44.]

June 28.
Council
Chamber.

587. William Blathwayt to Secretary Sir Leoline Jenkins. The Lords of Trade have received the enclosed Act for the resettlement of St. Christophers, and, observing that it relates chiefly to the French inhabitants, desire your opinion whether it is in accordance with the Treaty of Breda. 1 p. Endorsed. [Col. Papers, Vol. XLVIII., No. 113, and Col. Entry Bk., Vol. XLVII., p. 41.]

June 28.
Council
Chamber.

588. Heads of inquiry to be answered by Edward Cranfield respecting New Hampshire. Twenty-five heads, desiring the usual information. [Col. Entry Bk., Vol. LXVII., pp. 66-69.]

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- June 28. 589. Lords of Trade and Plantations to the Secretary of New Hampshire. For enforcement of the Circular requiring the transmission of quarterly returns. *Signed*, Anglesey, Ailesbury, Arlington, Clarendon, Craven, L. Jenkins. [Col. Entry Bk., Vol. LXVII., pp. 69-70.]

[June.]

590. Petition of William Dyre to the Duke of York, enumerating his grievances (*see next abstract*), and asking him for leave to petition to the King for immediate trial or release. 1 p. *Endorsed*, "To give to Secretary Jenkins from the Duke." [Col. Papers, Vol. XLVIII., No. 114.]

June 29.
Whitehall.

591. Order of the King in Council. Referring the petition of William Dyre to Lords of Trade and Plantations for report. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Annexed*,

591. i. The petition referred to. I was commissioned to be the Duke of York's Collector in New York in 1674 and remained so till 1681, when several merchants' factors refused to pay their customs duties and accused me of high treason. I was sent home to be tried for my life and was enlarged on bail, since when I have waited in vain for the accuser to prosecute his charge. I beg reparation and release from bail. *Copy*. 1 $\frac{1}{2}$ pp. *Endorsed*. Recd. 21 June 1682. Read 6 July 1682. Printed in *New York Documents*; Vol. III., pp. 318-319. [Col. Papers, Vol. XLVIII., Nos. 115, 115 i.]

June 29.

592. Warrant to the Master-General of the Ordnance to deliver two flags to Edward Cranfield for the forts in New Hampshire. [Col. Entry Bk., Vol. XCIX., p. 163.]

June 30.

593. The King to Sir William Stapleton. Warrant for Thomas Plott to be sworn of the Council of Nevis. *Countersigned*, Conway. [Col. Entry Bk., Vol. XCIII., p. 168, and Vol. XLVII., p. 73.]

[June ?]

594. Depositions of Nicholas Wardner, Thomas Wilkison, and Anne Wilkison, respecting certain words spoken by Thomas Danforth or others in their hearing, to the effect that in New England they were a free people, with whom the King had no concern 2 pp. *Endorsed*, "The persons herein named are ready to depose the matter of fact but nobody will take their deposition." [Col. Papers, Vol. XLVIII., No. 116.]

July 4.
Whitehall.

595. The King to the Governor and Court of Massachusetts. We have appointed Edward Cranfield Governor of New Hampshire, and have instructed him among other things to help the neighbouring Colonies, and in particular the Massachusetts, against any invading enemy. We now instruct you to render the like assistance to him in the like case. *Memorandum*.—The like letter was sent to Connecticut, Rhode Island, and New Plymouth. [Col. Entry Bk., Vol. LXI., pp. 139-140.]

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July 4.
Whitehall.

596. Warrant for the delivery of a public seal for New Hampshire to Edward Cranfield. [Col. Entry Bks., Vol. LXVII., pp. 99, 100, and Vol. XCIX., p. 164.]

July 6.

597. Journal of Lords of Trade and Plantations. Mr. Secretary Jenkins acquainted the Lords that they were summoned by the King's particular order, on the receipt of letters from Virginia, dated 25th May, addressed to the merchants of London respecting the insurrection. A letter from Maryland (*see No. 507*) to the same purport was read. Lord Conway informed the Lords that the King had directed a frigate to be prepared forthwith to carry Lord Culpeper to Virginia. Mr. Brisbane, Secretary of the Admiralty, was called in, and said that the Mermaid frigate would be ready in three weeks. The Lords not being satisfied, and thinking that a ship should be ready sooner, order Mr. Brisbane to acquaint the Admiralty that a ship is required with all expedition, and to report how soon it will be ready. Captain Tyrrell, of the ship designed for Virginia, is called in and asked how soon he can be ready to sail. He says on Saturday se'nnight (15th), if the necessary stores and guns are on board. Sir Richard Haddock, Surveyor of Stores, promises that the provisions shall be ready, and the Master of the Ordnance undertakes the like as to the guns. Lord Culpeper is called in, and promises to be ready to go on board at once. Asked what instructions he desires on such an emergency, he asks that the merchants and planters of Virginia now in London may be consulted, and proposes that he have special orders to act on the clause of Order in Council of 17th instant [*sic, see 14th June, No. 561*] as to measures for raising the price of tobacco. The Lords agree to recommend that he be empowered to pass an Act for the purpose. Lord Culpeper asks further that the ship which carries him to Virginia may stay there, and that the Norwich frigate may call at Virginia on her way home. The Lords then agreed on their final report.

Sir Richard Dutton's speech to the Assembly and an Act of 29th April for a levy read. The Lords are well satisfied with Sir Richard Dutton's good service.

Petition of the Hudson's Bay Company read, praying for a Royal declaration of their privileges against interlopers. Referred to the Attorney and Solicitor General for their opinion as to the legality thereof. [Col. Entry Bk., Vol. CVII., pp. 35-40.]

July 6.
St. Jago
de la Vega.

598. Minutes of Council of Jamaica. Ordered, to sue several persons for arrears of quit rents; that the Lords of Trade and Plantations be advised that the Receiver-General's accounts now sent to them have inadvertently not been examined by the Deputy Auditor; that the Custodes Rotulorum of each precinct be required to give the best account they can of fines and forfeitures therein; that no grant pass the Great Seal except through the Patent Office; and other instructions be given to the Clerk of the Patent Office; that Captain Morgan's account for arrears, for which he produces the Auditor's certificate, be paid; that the Receiver-General be

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careful to return 75*l.* to Mr. William Blathwayt on account of salary; that the Attorney-General's fee for an ordinary grant be ten shillings. Copy of Receiver-General's balance sheet. [Col. Entry Bk., Vol. XXXVI, pp. 3a-4a.]

July 6.
Providence
(Bahamas).

599. The Governor of New Providence to Sir Thomas Lynch. I write to congratulate you and to offer my services on your arrival at your former government; also to give you the following information. The Spaniards have committed several robberies upon the inhabitants of these Bahama Islands. First they took two vessels without any provocation. Next there came in April 1681 two barque-longoes [barcos luengos] sent out from Panama by the Governor and his accomplices the merchants, with orders to take all the vessels they could, to land soldiers on this and other English plantations, to plunder the inhabitants of goods and negroes and return to Havana. This was confessed to me by oath on the Holy Cross by an Alferes [Ensign] in their service who was taken prisoner, also that they had taken two of our vessels, and several of our inhabitants whom they had carried to Havana, where some are imprisoned and others put to hard labour in a starving and naked condition. They then pillaged a vessel of Carolina coming to trade with us, but some vessels on our coasts prevented their mischief for the present, and I have since procured assistance to defend our coasts by making war against them and any other pirates that invade us. Piracy is always unjustifiable and this especially, since it is grounded on lawful authority given by the Sovereign, as you may see by the enclosed copies. But if any under my commission have acted with violence by sea or land towards any Spaniards except pirates and robbers within the limits of the Island, they may be prosecuted. I have often declared that if the Spaniards come to prosecute their rights, justice shall be done according to the King's laws, wherein I humbly ask for your advice and assistance. Some here have been contemptuous and mutinous, but by due process of law have been brought to submission; against others I have been obliged to use military force. I believe you are well acquainted with the Disposition and rude behaviour of those who call themselves privateers. Captain John Coxon being denied a commission to take St. Augustine, Florida, went hence in contempt of any orders and contrary to law and custom, carrying away some persons that are indebted to the inhabitants. All that he did in landing and plundering on Spanish territory was done by his own power. I thought fit to inform you of this since I hear he is now at Jamaica. Signed, Robert Clarke. 1½ pp. Endorsed. Recd. 20 Dec. 1682. Read at Committee, Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 1.]

July 6.

600. Journal of the Assembly of Nevis. The offer of 160,000 pounds of sugar was disregarded by his Excellency (*see ante*, No. 523). Petition of the merchants of Charlestown, representing that they had for some time past paid one fourth of the levies raised, and requesting two members in the Assembly for their

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town and their old privileges in choosing them, rejected. [Col. Papers, Vol. XLVIII., No. 79.]

July 6.
Nevis.

601. The Governor and Council of Nevis to Lords of Trade and Plantations. We hope that you will take away your reproof from us for omitting to write to you quarterly. We do not meet, sometimes, once within six months, and not once in twelve months have we anything worth the writing. We now write to complain of the insolent behaviour of Captain Billop of H.M.S. Deptford, who in open Court, and often since to our faces, has accused us and the jury of being enemies to the King, though for no better reason than that he was called to account for plundering a captured interloper. We trust that this calumny will not be believed. It is something contrary to law to take away any man's goods without the verdict of twelve men. We gave our vote for the condemnation of the ship unanimously according to the Royal charter and proclamation; but by the insolence of Captain Billop we were censured as little better than rebels. He is one of the worse men we ever saw in the King's service and the most unfit to continue in it. We beg that he may stand committed till he make good his accusations against the Government or make reparation for it. The report of the Commissioners and the depositions sent by Captain Jefferson will make him appear in his colours perjured. *Signed,* Wm. Stapleton, Danl. Lanhather, John Netheway, Jos. Jory, Ja. Russell, Wm. Burt, Charles Pym, Phill Lee. [Col. Entry Bk., Vol. XLVII., pp. 53-54.]

July 6.
Nevis.

602. Report of the Commissioners appointed to inquire into the embezzlement of goods on board the ship Providence by Captain Billop and the crew of H.M.S. Deptford. In obedience to your Commission of 12th June we have inquired into this case and examined witnesses. All evidence shows that the ship when captured had on board of her 2,236 lbs. of elephants' teeth, 1,680 lbs. of copper, 1,544 lbs. of redwood, 107 lbs. of wax, and about 215 negroes, besides other cargo. All the goods and more than half the negroes are missing. Captain Billop admitted that he took some goods, but denies that he took negroes, but this denial is disproved by the oath of other witnesses, who swear to the disembarkation of slaves and goods, and to their sale for Captain Billop. We find that these slaves were shipped off, though Captain Billop's just share of them was 22 and no more. *Signed,* Jno. Netheway, Charles Pym, Jos. Jory, Joseph Martyn. $3\frac{1}{2}$ pp. *Endorsed.* Recd. 20 Sept. 1682. *Annexed.*

602. i. Deposition of Richard Charles of the ship Providence, taken 8th June 1682. $1\frac{1}{2}$ pp. *Endorsed.*

602. ii. Deposition of John Bertene of the same, taken same day. $1\frac{1}{2}$ pp. *Endorsed.*

602. iii. Deposition of Samuel Mulgrave of the same, taken same day. $1\frac{1}{2}$ pp. *Endorsed.*

602. iv. Deposition of William Owen of the same, taken same day. $1\frac{1}{2}$ pp. *Endorsed.*

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602. v. Deposition of Thomas Derrick of the same, taken same day. $1\frac{1}{2}$ pp. *Endorsed.*
602. vi. Deposition of Hugh McDaniel of the same, taken same day. 2 pp. *Endorsed.*
602. vii. Deposition of William Jefferyes of the same, taken 9th June 1682. $1\frac{1}{4}$ pp. *Endorsed.*
602. viii. Deposition of Henry Hughes of the same, taken 9th June. 1 p. *Endorsed.*
602. ix. Deposition of John Borgos of the same, taken 9th June. $1\frac{1}{4}$ pp.
602. x. Deposition of Peter Rowles of the same, taken 9th June. $1\frac{1}{4}$ pp.
602. xi. Deposition of Captain Christopher Billop of H.M.S. Deptford, taken before Sir William Stapleton, 10th June 1682. 2 pp. *Endorsed.*
602. xii. Deposition of Richard Sharpey, carpenter of H.M.S. Deptford, taken 10th June 1682. 2 pp. *Endorsed.*
602. xiii. Sir William Stapleton's Commission to John Netheway, Charles Pym, and Joseph Jory and Joseph Martyn to inquire into the embezzlement. *Signed*, Wm. Stapleton. 12th June 1682. 1 p.
602. xiv. Depositions of Richard Dodson and William Watkins of the ship Providence, taken 13th June 1682. 1 p. *Endorsed.*
602. xv. Deposition of George Nanton, Captain of the ship Providence, taken 13th June. 1 p. *Endorsed.*
602. xvi. Deposition of Howell Brine, carpenter of the Providence, taken 13th June. $\frac{1}{2}$ p. *Endorsed.*
602. xvii. Deposition of William Cooke, chirurgeon of the Providence, taken 13th June. $\frac{1}{2}$ p. *Endorsed.*
602. xviii. Deposition of Peter de Graefs of St. Christophers and of James Leblond, taken 13th June. 1 p. *Endorsed.*
602. xix. Deposition of Henry Dowdy of H.M.S. Deptford, taken 13th June. $\frac{1}{2}$ p. *Endorsed.*
602. xx. Deposition of James Dudson, gunner of H.M.S. Deptford, taken 13th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxi. Deposition of Gabriel Clies of the Providence, taken 14th June. 2 pp. *Endorsed.*
602. xxii. Deposition of Robert Downing, cook of H.M.S. Deptford, taken 14th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxiii. Deposition of Elias Thomas of H.M.S. Deptford, taken 14th June. 1 p. *Endorsed.*
602. xxiv. Depositions of Alexander Henderson and William Hollister, taken 14th June. 1 p. *Endorsed.*
602. xxv. Deposition of Joshua Bull of H.M.S. Deptford, taken 14th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxvi. Deposition of Emanuel Brooke of the same, taken 14th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxvii. Deposition of Edward Clark of the same, taken 14th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxviii. Deposition of William Palmer of the same, taken 14th June. $\frac{1}{2}$ p. *Endorsed.*

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602. xxix. Deposition of Jenkin Thomas of the Providence, taken 15th June. $1\frac{1}{4}$ pp. *Endorsed.*
602. xxx. Deposition of Daniel Johnson, master of the sloop Compliance, taken 15th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxxi. Deposition of David Cosens, taken 19th June. $\frac{1}{2}$ p. *Endorsed.*
602. xxxii. Depositions of Captain Christopher Bradbury, John Howell, Thomas Charme, Edward Bateman, John Arthur, and John Penny, taken in St. Christophers by John Estridge on 20th June 1682. 4 pp. *Endorsed.* [Col. Papers, Vol. XLVIII., Nos. 2, 2 i.-XXXII.]

[July 6.] **603.** Abstract of the Depositions abstracted in the previous number. 3 pp. [Col. Entry Bk., Vol. XLVII., pp. 55-57.]

July 7. **604.** Sir William Stapleton to Lords of Trade and Plantations. Nevis. With this will arrive the Commissioner's Report on the proceedings of Captain Christopher Billop, with letters from myself and from the Council. We met yesterday to hear what he had to say, but he feigned to be unable to come ashore and kept us all night in town though he was as well as any of us, as can be proved on oath if required. I sent him a military order to come, since a civil one in the King's name would not do, and by the advice of the Council sent the Provost Marshal aboard to arrest him in case he refused to come. I also sent Lieutenant-Colonel William Burt to see James Dudson, the gunner of the ketch and a good artist, to take charge of her. The Marshal, at Colonel Burt's request, took Billop's word to appear next day, but in the night he got out of command, though the ship is still in sight. What the meaning of this affront and disobedience is I know not. I judge that he will go hence without a letter to you or to the Admiralty. I beg that you will do me justice against this man. His ill-behaviour cannot be paralleled. I never saw such contempt of a subaltern officer to his superior. *Signed,* Wm. Stapleton. 1 p. [Col. Entry Bk., Vol. XLVII., pp. 57-58.]

July 7. **605.** Governor Cranfield's receipt for certain papers, &c., delivered to him. List of the papers, and a public seal in silver for New Hampshire. *Signed,* Edw. Cranfield. 1 p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 3.]

July 8. **606.** Duke of Albemarle to Lords Proprietors of Carolina. Requesting them to seal the deeds for Mr. John Monk, and authorising them to deduct his debt on account of the said John Monk. [Col. Entry Bk., Vol. XX., p. 209.]

July 10. **607.** Sir William Stapleton to Lords of Trade and Plantations. Nevis. I send additional evidence of Captain Billop's misbehaviour. I beg your particular attention to the evidence of one Martyn, master of a ship which came direct from Rochelle to Antigua and which Captain Billop seized and relinquished in consideration of the things that he took from her. I knowing nothing of it, and

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Martyn submitting no complaint, I could not right him nor observe the execution of the laws of trade. Since he came out here Billop has acted more like a merchant, and sometimes more like a piratical one, than a man-of-war or one that holds the King's commission. I could overwhelm you with depositions, but I ask for justice only for his disobedience. The first is proved under his own hand, the second by the oaths of all of us, if required. The sense of his affronts leads me to ask you to give us the satisfaction of sending him back to the scene of his crime from whence he ran away, even though you order us to forbear severity towards him. I was foolish enough not to bring him on shore though I had plenty of vessels of twice his strength in the roads. *Signed, Wm. Stapleton,* [Col. Entry Bk., Vol. XLVII., pp. 58-59.]

July 10.
Nevis.

608. Sir William Stapleton to Sir Leoline Jenkins. If I have not written to you separately about Captain Billop's business it is because I know that you see the other letters that I write. Pray stand our friend and have him remanded to this place where he has acted more like a rebel than one of the King's captains. *Holograph.* 1 p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 4.]

July 11.
Whitehall.

609. [Sir Leoline Jenkins?] to Sir Thomas Lynch. You will have received orders respecting the arrest of Captain Pain, late of the ship Trompeuse. The French Ambassador now represents that his accomplices are still in Jamaica, and though through the King's absence I cannot give you the royal order, yet you will doubtless comply with the Ambassador's wishes respecting these accomplices. [Col. Entry Bk., Vol. XCIX., p. 168.]

July 11.

610. Minutes of Council of Barbados. Bill to encourage importation of Christian servants read a second time and amended. Bill for subjecting rents and profits of land and negroes to taxation thrown out. Warrant for payment of money to Jane Baynes, and to the gunners and matrosses of St. Michael's parish and Oistin's fort. John Witham, Richard Howell, Edwyn Stede and Francis Bond appointed to report on the case between Colonel Thomas Colleton and the attorney of Sir John Roberts.

July 12.

The Assembly brought up the expiring Acts which they had passed, and the Bill for the importation of Christian servants with a paper saying how far they agreed with the Council's amendments. The Governor thereupon ordered a conference. The Assembly addressed the Governor as to the four-and-a-half per cent. duty. Warrant for payment of six months' salary to gunner Samuel Norris. Act for destruction of monkeys agreed to by the Assembly and passed.

July 13.

Warrant for payment of 401l. 10s. 8d. to Symon Cooper for building the bridge in Bridgetown. The Governor sent back to the Assembly the Bill to continue the former Militia Act and refused to pass it, as it was continued for but six months. The Assembly brought back the Act, continued for two years. Bill for an imposition on negroes sold to foreigners rejected. Bill

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concerning tickets in the Secretary's office passed and sent to the Assembly. The Governor's answer respecting the four-and-a-half per cent. duty.

July 14. Warrant for payment of six months' salary to the matrosses of St. Michael's town agreed to. Order for the Treasurer to pay all moneys received for arms to a special account for the same. Bill concerning tickets in the Secretary's office brought up by the Assembly, passed and assented to. The Governor bade the Assembly forthwith return to their house and make provision for the safety of the Island. Address of the Assembly in reply. [Col. Entry Bk., Vol. XI., pp. 537-546.]

July 11. **611.** Journal of Assembly of Barbados. William Sharpe being absent through sickness, Edward Littleton was chosen Speaker. Supplementary Act to the Act for a levy read. Bill for encouraging the importation of Christian servants returned by the Council with amendments, also the Act appointing sale in open markets, which latter was passed as amended. Bill for an imposition on negroes sold here to foreigners read and reserved. Address to the Governor, asking to be informed how matters stand respecting the proposal to commute the four-and-a-half per cent. for some equivalent duty.

July 12. Bill for imposition on negroes sold to foreigners. Conference with a Committee of Council on the Bill for encouraging importation of Christian servants.

July 13. Bill for encouraging importation of Christian servants passed. Bill for an imposition on negroes sold here passed. The old Militia Act returned from the Council, voted that it be revived for two years. Act as amended read and passed. The Governor answered respecting the four-and-a-half per cent. duty, that there had been a conference between Committees of the Council and Assembly on the subject last year, but that nothing had come of it. Bill for ascertaining parish boundaries read twice.

July 14. Bill respecting tickets in the Secretaries' office with amendments read and passed. Richard Guy appointed to confer with the Council on the Act for importing Christian servants. Bill for an impost on imported liquors read and referred to a Committee of Richard Guy, Richard Seawell, Edward Littleton, Samuel Husbands, William Foster, and John Davies. Supplemental Acts for better governing of negroes, and for the levy on lands and negroes read and passed. His Excellency having signified something of displeasure to the House, an address was sent to him, pointing out that the House had passed more measures than any other Assembly, and was ready to proceed with the Bill of Excise whenever he appointed. Adjourned to 8th August. [Col. Entry Bk., Vol. XIII., pp. 491-497.]

July 13. Order of the King in Council. The Lords reported that they had warned Lord Culpeper to be ready to embark on Saturday the 15th instant for Virginia. Ordered accordingly that he do not fail to embark on that day. [Col. Entry Bk., Vol. LXXXII., p. 84.]

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July 13. **613.** Order of the King in Council. That the Captain of the frigate which is designed to carry Lord Culpeper to Virginia remain there with his ship in case of actual rebellion; also that the Norwich frigate be ordered to call at Virginia on its passage home from Jamaica, and in case of actual rebellion then place itself under Lord Culpeper's orders. On its departure the Norwich is to bring away such warlike stores as Lord Culpeper shall send. [Col. Entry Bk., Vol. LXXXII., p. 85.]
- July 13. **614.** Order of the King in Council. Ordered that the warlike stores that are needed in Virginia for the King's service be kept in some secure place; that such as are necessary for the inhabitants be sold at reasonable rates, and the remainder sent home in the Norwich. [Col. Entry Bk., Vol. LXXXII., p. 86.]
- July 13. **615.** Order of the King in Council. Respecting the petition of Thomas Henshaw and Lord Carlisle's creditors, ordered that the Lords of the Treasury meet the Lords of Trade and Plantations on Friday next to finish their report thereon (*see ante*, No. 28). *Endorsed.* Recd. 15 July. Read 21 July 1682. [Col. Papers, Vol. XLIX., No. 5, and Col. Entry Bk., Vol. VII., p. 130.]
- July 13. **616.** Draft of the foregoing, with draft of report of 21st July on the other side. *Endorsed.* [Col. Papers, Vol. XLIX., No. 6.]
- July 16. **617.** Sir Thomas Lynch's instructions to Reginald Wilson, Naval Officer of Jamaica. To execute his office according to the Acts of Trade and orders from the Treasury; to supervise the Collectors, and show them all entries, bonds, &c.; to transmit copies of all entries, &c., to the Commissioners of Customs every six months; to keep entries of goods imported, and send an account to the Auditor of the Treasury every year; to give copies to the Governor; to supervise the collection of wine duties; to seize ships trading against the law, especially interlopers, and give notice to the Commissioners of Customs of such as have escaped. 1 p. *Endorsed.* Recd. 2 June 1684. [Col. Papers, Vol. XLIX., No. 7.]
- July 16. **618.** Table of shipping arrived in the harbours of Montserrat from 15th October 1681 to 16th July 1682. Fifty-five ships. 2 pp. *Inscribed.* Recd. 30 Sept. 1682. [Col. Papers, Vol. XLIX., No. 8.]
- July 18. **619.** Governor Sir William Stapleton to the Lords of Trade and Plantations. This is merely to beg you that one Mr. John Stone may have the transportation of the three hundred malefactors to St. Christophers. He will give good security for the same, the prison fees being discharged by the King's order or yours. I doubt not but that it will be effected to your content, for his correspondent here has promised the same, Captain Jefferson, whom I mentioned to your Lordships, being unwilling to advance any money towards their transportation. *Holograph. Signed.* 1 p.

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Endorsed. Recd. 15 September. Read 25 September 1682. [Col. Papers, Vol. XLIX., No. 9, and Col. Entry Bk., Vol. XLVII., pp. 52-53.]

July 19. **620.** Order of the King in Council. Referring the petition of Sarah Bland, praying for relief from divers sentences given against her in the Court of Virginia, to the Lords of Trade and Plantations for their Report. [Col. Entry Bk., Vol. LXXXII., p. 87.]

July 19. **621.** The Lords Proprietors of Carolina to the Duke of Albemarle. We hear that you have granted to Mr. John Monk of Knightsbere a thousand acres of land in Carolina, together with help to transport his family and servants. Shall the money (150*l.*) be deducted from your proportion as it comes due, for Mr. Monk is anxious to send some before him to prepare for him, and we wish to oblige him and you? *Signed,* Shaftesbury, J. Archdale. [Col. Entry Bk., Vol. XX., p. 205.]

July 20. **622.** Minutes of Council of Jamaica. Robert Felgate, Surveyor-General, called in, declared himself unable to find the four thousand pounds security required by the Act. Ordered that Surveyors be appointed for every precinct. Adjourned *sine die*. [Col. Entry Bk., Vol. XXXVI., p. 4.]

July 21. **623.** Journal of Lords of Trade and Plantations. Petition of Thomas Henshaw and Lord Carlisle's creditors read (see No. 28). The Lords agree on their report (*see next abstract*).

The Lords agreed to recommend the King, in view of the state of affairs in Virginia, to send out some fit person forthwith with the necessary powers and instructions. [Col. Entry Bk., Vol. LXXXII., p. 84.]

Petition of Captain William Dyre read (see No. 591). The Lords agreed on their report (see No. 642).

Petition of Sarah Bland read, setting forth the injury that she had received from Colonel St. Leger Codd. The Lords agreed on their report (see No. 625). [Col. Entry Bk., Vol. CVII., pp. 40-42.]

July 21. **624.** Report of Lords of Trade and Plantations to the King. Whitehall. We have considered the petition of Thomas Henshaw and Lord Carlisle's creditors, together with the case of many other persons who claim a debt from the four-and-a-half per cent. duty in the Carribbee Islands. Besides their private claims we find this duty already charged with the arrears of two foot companies and public officers in your employ in these islands, so that for years to come there will be nothing to spare beyond the yearly expense and necessary support of the Government. 1 p. [Col. Entry Bk., Vol. VII., p. 131, and Col. Papers, Vol. XLIX., No. 6.]

July 21. **625.** Report of Lords of Trade and Plantations to the King. Whitehall. On the petition of Sarah Bland we beg that you will admit her

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appeal before your Majesty in Council. *Signed*, Arlington, Bath, Craven, Radnor. [Col. Entry Bk., Vol. LXXXII., p. 88.]

July 25.

626. List of Acts passed by the Assembly of Barbados from 25th April to 25th July 1682:—

Act to continue an Act for the Militia.

Act for securing possession of negroes and slaves.

Act for a levy on lands and negroes to pay debts and provide for the security of the Island.

Act to destroy wild monkeys and racoons.

Act appointing those who have rents and profits from lands and negroes to bear a proportion of taxes.

Act concerning replevins.

Act appointing the sale in open market of effects seized for arrears of Excise, &c.

Act for an imposition on negroes in Barbados sold to foreigners.

Act to encourage the bringing in of Christian servants.

Act to continue an Act for the better settlement of the Militia.

Act for the better regulation of the issue of tickets from the Secretary's Office.

Act to supplement the Act for Ordering of Negroes.

Act for ascertaining the bounds of every parish, and of every man's ground.

Act for settlement of the Militia.

[Col. Entry Bk., Vol. VII., pp. 145–146.]

July 29.

627. Instructions to Robert Lilburne, Governor of the Bahamas, to arrest Robert Clarke and keep him in custody till he have given security to answer accusations before the King and Council. $\frac{1}{2}$ p.
Endorsed. Recd. 15 Sept. 1682. [Col. Papers, Vol. XLIX., No. 10.]

July 29.

Virginia.

628. John Jones to Sir Leoline Jenkins. You remember your early goodness to me, and how my ill-conduct rendered me unworthy of your further cognisance of me. Thence my destiny drove me to Virginia, where, in great slavery, I have served out my time according to the custom of the country, and am now married, with four small children. These latter have obstructed my most longing desires to visit and pay my duties and respects to my parents and relations, and in a word, without some encouragement and help from them, I cannot do so. I have long been sensible of my former faults, and I beg for your pardon. I entreat you to favour me with a line in answer. "Your most humble kinsman, John Jones." 1 p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 11.]

July 29.

629. Commission to John Archdale to receive the rents due to the Lords Proprietors in the Northern Province of Carolina. *Signed*. Craven, Shaftesbury, P. Colleton, Bath (for Lord Carteret). [Col. Entry Bk., Vol. XX., p. 196.]

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July 29.
Whitehall. **630.** [Sir Leoline Jenkins?] to Sir Henry Chicheley. I am ordered by the King to acknowledge your letter of 8th May, and to tell you that he approves of your diligence in suppressing the plant-cutting riots. He hopes you will soon have restored the peace. [*Col. Entry Bk., Vol. XCIX., p. 169.*]
- July 29. **631.** The same to Colonel Nicholas Spencer. The King takes well your efforts in suppressing the riots in Virginia. [*Col. Entry Bk., Vol. XCIX., p. 169.*]
- July 29. **632.** The same to Sir Thomas Lynch. Sir Henry Morgan has reported that four pirates have been condemned to death, of whom one only appeared to be deserving of execution. You will cause that one to be executed, and keep the other three in prison till further order. [*Col. Entry Bk., Vol. XCIX., p. 170.*]
- July 30.
The Downs. **633.** Governor Cranfield to Sir Leoline Jenkins. We put to sea on Wednesday last, but were forced back by westerly winds. I thought it my duty to inform you. *Holograph.* $\frac{1}{2}$ p. *Endorsed.* [*Col. Papers, Vol. XLIX., No. 12.*]
- July 31.
Virginia. **634.** William Ross to Sir Leoline Jenkins. Though unknown to you, I have undertaken to recommend the enclosed to you, hoping that this act of charity to one of your kinsmen will pardon me. A line or two in answer will be a great encouragement to the honest man and his family who really deserve it (*see ante, No. 628.*) $\frac{1}{2}$ p. [*Col. Papers, Vol. XLIX., No. 13.*]
- July 31. **635.** Journal of Lords of Trade and Plantations. The Lords met to consider concerning the *quo warranto* against the Bermuda Company. Petition of William Righton read (*see No. 638.*) Petitioners called in and asked why their prosecution has been so long delayed. They reply that the delays are due to the Company, and engage that the Attorney-General shall be fully instructed before Michaelmas next. They complained also of illegal warrants issued by the Company of which they produced one. *Mem.*—The Lord President reported hereof to the King in Council on 3rd August. [*Col. Entry Bk., Vol. CVII., pp. 43-44.*]
- [July ?] **636.** Report of Lords of Trade and Plantations to the King. The title of a large tract of land called the King's Province being in dispute between Rhode Island, Connecticut, and several persons in New England, we recommend the issue of a Commission to Edward Cranfield, William Houghton, Joseph Dudley, Edward Randolph, Samuel Shrimpton, John Fitzwinthrop, Edward Palmes, John Pyncheon, jun., and Nathaniel Saltonstall, jun., to examine the titles thereto and report. Edward Cranfield or Edward Randolph to be always of the Quorum. *Commission given in full.* [*Col. Entry Bk., Vol. LXI., pp. 140-142.*]
- Aug. 1.
Windsor. **637.** Lord Conway to Sir Leoline Jenkins. I have received and return the French and Spanish letters. The King saw no reason

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to give any orders in respect of them, excepting that in regard to Virginia he took notice the country had been disturbed and appeared to be calmed, and that it was necessary to hasten a Governor over thither.' Mons. Barillon had audience after me and delivered three letters from the King, Queen, and Dauphin of France, giving an account of the Dauphin's confinement. I suppose that the Duke had the same account, for I hear that Lord Feversham and Jemmy Grimes are to be going away in two or three days.
Holograph. Signed. 1 p. [Col. Papers, Vol. XLIX., No. 14.]

[Aug. 1.]

638. Petition of Nathaniel Smith and William Righton, for the inhabitants of Bermuda, to Lords of Trade and Plantations. After many hearings at the Council Board the King granted a *quo warranto* against the Charter of the Bermuda Company on 14th November 1679. By the delays of the Sheriffs of London and the Company's standing out all manner of contempts, it could not be brought to plead till Christmas Eve 1680, notwithstanding several rules of Court setting them peremptorily days to plead, or judgment to be entered against them for the King. In Easter term 1681 the Company was ordered to rejoin, but found out delays till the end of Midsummer term following, and then pretended that it had new matter to plead. They had therefore respite given them by the Court till Michaelmas 1681, and then pleaded the general issue only. The case standing thus at law, and over 300*l.* having been spent in prosecution, petitioners could not expect to be called upon for any further prosecution, trouble, or expense until the term, at which time they are resolved to proceed against the Charter according to law, which the Company ought not to decline since it refused to be determined by the King. Pray that since the King's order for all parties to attend this day has wholly surprised petitioners and their counsel your Lordships will appoint them a longer day for preparation or leave them to the prosecution of the *quo warranto*.
Signed, Nathaniel Smith, William Righton. 1 p. Endorsed. Recd. 1 Aug. 1682. My Lord President on the 3rd August informed the King in Council that the petitioner had engaged that the Attorney-General should be sufficiently instructed for the prosecution of the *quo warranto* in Michaelmas term. [Col. Papers, Vol. XLIX., No. 15, and Col. Entry Bk., Vol. XVII., p. 98.]

Aug. 1.

639. Deposition of Samuel Couch respecting the seizure of the ship Newbury at Boston. *Inscribed in Edward Randolph's hand.* "A copy of the deposition above written sworn and produced in Court. 1st August 1682." 1 p. [Col. Papers, Vol. XLIX., No. 16.]

Aug. 2.

640. Further depositions respecting the seizure of the ship Newbury, with copies of the attachment and execution. 3 pp. *In the handwriting of Edward Randolph, and signed by him.* Various dates from 26th July to 2nd August. [Col. Papers, Vol. XLIX., No. 17.]

Aug. 3.
Whitehall.

641. Order of the King in Council. That a copy of the petition of Sarah Bland (*see ante*, No. 620) be sent to the Governor and

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Council of Virginia with orders for Colonel St. Leger Codd and Anna his wife to appear personally or by agent before the Board of Trade and Plantations to receive the judgment of the Board on the appeal of Sarah Bland. The Governor and Council will take care that both parties give good security to make their appearance as aforesaid, within six months of the notice hereof, before the Board. [Col. Entry Bk., Vol. LXXXII., pp. 88-89.]

Aug. 3.
Whitehall.

642. Order of the King in Council. Report of Lords of Trade and Plantations. We have considered the petition of William Dyre (*ante*, No. 591), and recommend that an advertisement be inserted in the Gazette and be published in the Royal Exchange, and also that notice thereof be sent to Southampton, to the effect that unless Samuel Winder give security within one month to pursue his prosecution next term, Dyre's bond shall be returned, and himself set free to take his legal remedy. *Signed*, Arlington, Bath, Craven, Fauconberg. 21st July 1682. Ordered accordingly. *Signed*, Phi. Lloyd. Printed in *New York Documents* Vol. III., p. 320. [Col. Entry Bk., Vol. LXVIII., pp. 54-55.]

Aug. 3.

643. The propositions of Colonel Henry Coursey and Colonel Philemon Lloyd, commissioned by Charles Lord Baltimore on behalf of the King's subjects in Maryland and Virginia to treat with the Sinodowane and Sniekes [Seneca?] Indians. Made at the Court House, Albany, 3rd August 1682. This document comprehends, (1) The speech of the Commissioners to the Indians. (2) The reply of the Sinodowannes and Sniekes, accepting their proposals for renewal of treaty and for preservation of peace with other tribes. (3) The speech of the Commissioners to the Maquas, Onandagas, Oneidas, and Cayonges, rebuking them for their late hostile inroads. (4) The replies of the several tribes, expressing regret and promising to stop the outrages and keep the peace. 4th August 1682. The whole 19 pp. Copy certified by Robert Burman. 13th August 1682. Endorsed, "Treaty of peace at Albany between Maryland and the Indians." Printed in *New York Documents*, Vol. III., pp. 321-328. [Col. Papers, Vol. XLIX., No. 18.]

Aug. 6.
Plymouth.

644. Governor Cranfield to Sir Leoline Jenkins. We left the Downs on Thursday with an east wind, but before we had got the length of the Start we were driven in hither. We wait only for a fair wind to sail for New England, without touching at Fayal. Holograph. Endorsed. [Col. Papers, Vol. XLIX., No. 19.]

Aug. 7.
Boston.

645. Edward Randolph to Sir Leoline Jenkins. When I came to this place in December last, armed with the King's letter and my own patent as Collector, I had some confidence that such documents would command respect. But the faction of which I have so often complained has taken every opportunity to obstruct me. First they set up a Naval Office without the Governor's consent; then they make out that they have a right to appoint their own officers; then they refuse to recognise the King's patent.

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At their last County Court held in Boston on 25th July last, one Isaac Evelich was permitted and even countenanced to bring an action against Daniel Mathews, one of my deputy searchers, and against others who assisted him to seize the ketch Newbury for the King. In the declaration they call the seizure piracy. Mathews produced my deputation in Court; and my patent empowering me to appoint deputies was read, but neither was allowed. One of the assistants produced the Governor's warrant for his action. I proved by good witnesses that the ship was engaged in illegal traffic in wine, but to no purpose. The jury gave 307*l.* damages against Mathews, and he and his assistants are taken in execution for the money. They hope to compel me to restore the ship, but I have appealed in that case to the Court of Assistants. They threaten to sell them [Mathews, &c.] out of the country, and other persons who assisted at the seizure are warned out of Boston by the townsmen. Some of the inhabitants have been forbidden to entertain any of Randolph's rogues. I am again taxed towards defraying the public charges, and daily expect my goods to be taken out of my house and sold for payment, though I have showed the Governor and some of the magistrates the Attorney-General's opinion that they have no power so to do. As a new trouble I hear that I am prosecuted by their Grand Jury for endeavouring to subvert their government by writing and speaking against the proceedings of the General Court. Several persons who gave me information and helped me with seizures are so discouraged by these unjust proceedings that I can get no man to my side abroad nor one to appear as evidence before a magistrate. I have sent the Commissioners of Customs full particulars and documents. Pray remember the contempts of this Colony since the Restoration. Nothing can do any good but a *quo warranto*. I have hitherto with great difficulty and danger managed in my station. I now impatiently await the effects of the King's justice on these open contenners of his commands, and the welcome release of many hundred loyal inhabitants from bondage in this place of pretended liberty, both in their consciences and estates. To complain of this bondage is death by their last law. No doubt the agents will extenuate the complaint, and promise all obedience in future, but it is not in the power of the Governor and the honest party to give the King satisfaction, being out-voted by Danforth and his faction, so that they would gladly be put in a better condition for their oath's sake, as they are magistrates, and being under the great obligation of church membership they durst not openly appear in it. No person here can be a magistrate unless first a church member and chosen by the freemen. No man can be admitted freeman without the approbation of some of their ministers, who are most of them independents and are encouraged by Nonconformists in England. This the agents cannot deny, nor that those who have good estates would rejoice to see a happy settlement of the Colonies under one Governor-General. This is the only way to protect them in their rights and properties. I must add that so long as the Government disputes the Acts of Trade and the King's authority, no better success than

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mine can be expected of me or of anyone else in my position. The Commissioners of Customs are not recognised here nor several of the Acts relating to trade. The King's patent creating my office has not to this day been made public; and the naval office is still kept up though the Governor has never consented to it and hopes to abolish it next General Court. *Holograph.* 2 pp. *Endorsed.* [Col. Papers, Vol. XLIX., No. 20.]

Aug. 8. **646.** Journal of Assembly of Barbados. The Committee appointed to prepare a Bill for an imposition on wines reported the same to the House.

Aug. 9. Bill for imposition on wines considered. Voted that a present of 1,500*l.* be given to His Excellency. Act for raising money for fortifications read and passed.

Aug. 10. William Sharpe being sick, Christopher Codrington was chosen Speaker. Ordered that Richard Guy, John Codrington, and Samnel Husbands enquire into the gauge of casks. Committee appointed to confer with a Committee of Council respecting the Bill for raising money for fortifications. On their return the Bill as amended was read and passed. Ordered that where the Treasurer cannot obtain bills of exchange to remit money to England he may advance for these bills as the price rules and receive allowance for it out of other moneys. [Col. Entry Bk., Vol. XIII., pp. 497-500.]

Aug. 9. **647.** Minutes of Council of Barbados. The Assembly brought up a Bill to raise money for the safety of the Island. The Governor said he would issue his warrant for payment of money due to Lieutenant-Colonel John Codrington for his care and charge in keeping the magazine.

Aug. 10. The Bill to raise money read twice and amended; after which the Governor appointed a conference between the two houses. After conference the Bill was passed into Act. The Assembly likewise brought up the Bill for the importation of Christian servants which was read and passed into an Act. Order to the Treasurer respecting Bills of Exchange. [Col. Entry Bk., Vol. XI., pp. 547-550.]

Aug. 10.
Virginia. **648.** Sir Henry Chicheley to the King. I gave you notice of our unhappy insurrection, which was timely put down by the militia. The country is still a little anxious, but I hope that this state may pass away. I shall take all possible pains for your service. *Signed,* Hen. Chicheley. $\frac{1}{2}$ p. *Endorsed.* Recd. 3 Dec. 1682. [Col. Papers, Vol. XLIX., No. 21.]

Aug. 10.
Virginia. **649.** Sir Henry Chicheley to Sir Leoline Jenkins. I am afraid that I shall be greatly blamed for convening the Assembly when I did without the advice of the Council. I did send to ask the advice of Secretary Spencer who lives fifty or sixty miles from me, but he was so ill with gout that he could not come to me, and I was not well enough to go to him. The rest of the Council, with

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the exception of Major-General Smith and my son Wormeley, lived at as great or greater distances with sundry great rivers to pass, so I thought it needless to send to them. I can hardly get them together at public court times, and then they often keep me waiting two or three days. Nor did I greatly contravene Lord Culpeper's instructions herein, which empowered me to call an Assembly if I saw fit. Former Governors had the same power, and in truth I thought that the Council was a body whose advice might be asked or not at discretion. Some of the Council say to my face that I called this Assembly by advice of Major Beverley, who is now in custody on suspicion of raising the late insurrection. They resolve to keep him in close confinement, but so far can allege nothing material against him except some idle words let fall in his cups, on which occasion he is not *compos mentis*. I am sure his behaviour in Bacon's rebellion was far better than that of the best of his accusers. I thought right to bring this to your notice, for I am sure he has been sufficiently blacked in England. I beg you to make allowance for this poor country and my unhappy self.
Signed, Hen. Chicheley. 1 p. Endorsed, Recd. 3 Dec. 1682.
[*Col. Papers, Vol. XLIX., No. 22.*]

Aug. 10.
Whitehall.

650. Sir Leoline Jenkins to Lord Baltimore. The King desiring to promote the trade of his subjects in these parts has given Lord Culpeper, Governor of Virginia, instructions and full power to pass such Acts as shall be thought conducive to the welfare of that and adjacent Colonies. You will, therefore, on his arrival consult with Lord Culpeper as to common action in Virginia and Maryland respecting the planting of tobacco, either by passing like Acts or otherwise. *Draft. 1½ pp. Endorsed.*
[*Col. Papers, Vol. XLIX., No. 23, and Col. Entry Bks., Vol. LII., pp. 81, 82, and Vol. XCIX., pp. 171, 172.*]

Aug. 10.

651. A page of the London Gazette, containing an advertisement dated Whitehall, 9th August 1682, that unless Samuel Winder appear within one month and give security to follow out his prosecution against Captain Dyre, Dyre's bond shall be returned to him, and himself set at liberty to take legal proceedings against his accuser. *The page is stuck on a sheet of paper, which is endorsed with a précis.* [*Col. Papers, Vol. XLIX., No. 24.*]

Aug. 12.
Virginia.

652. The Secretary of Virginia to Sir Leoline Jenkins. We are still a little anxious as to further trouble. All the plantations are at this time of year flowing with cider, which is so uniquely drunk by our licentious inhabitants that they allow no time for its fermentation, but for their brain, stirring up disorders as it now hath by reviving this extravagant and sick-brained tobacco-plant-cutting [sic]. They pull up quantities at night and vow they will destroy more, and if their power corresponded to their wish they would doubtless do so. The public mind being evidently so disturbed we move with great circumspection. It is plain that Bacon's rebellion has left an itching behind it; the lenity then

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shown was not right for a country such as this, where great part of the people are those spread forth from the better governed portions of the King's dominions. Also our settlements are far too much scattered. A standing guard of one hundred and fifty to two hundred men would be the best means of securing this government. *Holograph. Signed, Nicho. Spencer. 1 p. Endorsed.*
Recd. 24 Oct. [Col. Papers, Vol. XLIX., No. 25.]

Aug. 12.

653. Minutes of Council of Virginia. Proclamation declaring unlawful assembly to cut, pull up, or otherwise destroy tobacco plants, to be open rebellion. [Col. Entry Bk., Vol. LXXXIV., pp. 145, 156.]

Aug. 16.
Nevis.

654. Governor Sir William Stapleton to Lords of Trade and Plantations. I beg your indulgence for not answering earlier to your letter of 5th March. The reply depended mostly on answers from the other Islands, whose officers are so slow and negligent that unless I go to them for the purpose, as I am forced to do at great expense once or twice a year, I may expect an answer from Europe sooner than from them. No sooner is my back turned on them, especially on Antigua, than everything is forgotten. Thank you for representing the arrears of our pay, now running into the fourth year. Our neighbours are never two months in arrear. I shall apply the 750*l.* of the fort money which we have received to the objects directed by you, as far as it will cover them. To make the passing of Acts alike in all the Islands, I hope to meet a General Assembly of two or three of the Council and the like number of the representatives of each Island at Antigua in November next. My reasons for believing that the Act of extent impeded the settlement of Antigua was because it discourages trade. Many considerable adventurers from London and elsewhere have sent their factors there, and converted their employers' goods into acquisitions of plantations and slaves, by which means ships went home empty. I could give many more reasons, but they are now superfluous, for the last time I was there I passed the Act herein enclosed, which will avert such inconveniences. I have several other Acts which I cannot send until they are drawn up according to your orders. I have already had a refusal of a perpetual pecuniary law, for the people love to be courted, and to have a precarious government; but I shall not fail to prepare the measure at the next Assembly. The Commissions of Oyer and Terminer are and always have been issued under the hand of the Commander-in-Chief. I know nothing of the Act of Montserrat to which you refer; it must have been sent inadvertently. All fines and forfeitures are, by Acts passed since my time, applied to the King's service in some form or other, but for the future shall be as you direct, *in terminis*. Those that are past their labour are sometimes fined, and those that are not [fined] have wives and children. I plead not at all for single men fined (*sic*). After the hurricane season I propose to go or send others against the Indians, but I want a vessel of countenance in case of meeting

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with any of our neighbours' men-of-war, who have not been wanting to affront the King's flag when they durst, both at sea and ashore. Mons. Gabaret is in these parts with four men-of-war. He passes the hurricane season on the Spanish coast; I expect him at St. Christophers in October, when Count de Blenac returns to Europe. *Holograph. Signed. 2 pp. Endorsed, with a long précis.* Recd. 27th. Read 28th October 1682. [Col. Papers, Vol. XLIX., No. 26, and Col. Entry Bk., Vol. XLVII., pp. 63-66.]

[Aug. 16.] **655.** Particulars of the guns mounted in Fort Charles, Fort James, and Fort Rupert, Port Royal; thirty-eight in the first, twenty-six in the second, fifty-two in the third. $1\frac{1}{2}$ pp. *Endorsed.* Recd. from Sir Thos. Lynch, 16 Aug. 1682. Copy sent to the Master of the Ordnance, 13 Jan. 1683. [Col. Papers, Vol. XLIX., No. 27.]

Aug. 17. **656.** The Fundamental Constitutions of Carolina. One hundred and twenty-five articles. *This is the third set of constitutions (see ante, No. 496).* [Col. Entry Bk., Vol. XXI., pp. 47-64.]

Aug. 18. **657.** Minutes of Council of Barbados. The Assembly, at the Governor's suggestion, brought in an Act supplemental to the Act for raising money, increasing the salary of the Treasurer appointed thereunder. The Act was thrice read and passed. [Col. Entry Bk., Vol. XI., p. 550.]

Aug. 18. **658.** Journal of Assembly of Barbados. Ordered, that the allowance to the Treasurer under the Act for raising money for the fortifications be raised to 8 per cent. Bill to supplement that Act read and passed. Adjourned to 3rd October. [Col. Entry Bk., Vol. XIII., pp. 500, 501.]

Aug. 19.
Windsor. **659.** The King to Lord Baltimore. We think that the boundary between your land and William Penn's cannot by any method be so certainly effected as by an admeasurement of two degrees North from Watkins' Point, the express South bounds of your patent, and already so settled by Commissioners between Virginia and Maryland. We recommend William Penn to your friendly offices herein, and would have you as soon as possible set down your northern boundary with him by an admeasurement of the two degrees granted in your patent, sixty English miles to a degree, from the southern boundary of Maryland as already settled. *Countersigned,* Conway. [Col. Entry Bk., Vol. XCIII., pp. 168a, 169.]

Aug. 24. **660.** Journal of Lords of Trade and Plantations. Sir William Stapleton's letter of 18th June read (*see No. 572*). The Lords agree to recommend that the pay of the captain and ship's company of the Deptford be stopped, and to put it to the King whether Captain Billop should not be recalled.

Petition of the Governor and Company of Massachusetts to the King read (*see No. 662*); after which their agents Joseph Dudley

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and John Richards were called in, who assured the Lords of the submission of the Colony and were ordered to bring in this day week an account in writing of their compliance with the King's various orders.

Sir Thomas Lynch's letter of 12th June read (*see No. 552*).

Governor Robert Clarke's commission to the pirate Coxon read. Ordered that the Proprietors of the Bahama Islands attend this day week to answer for the proceedings of their Governor. Sir Thomas Lynch to be informed of all proceedings.

Petition of Peter Pain of the French ship La Trompeuse read, together with Sir Henry Morgan's pass for delivery of the ship to one of the King of France's agents (*see Nos. 365, 366*). Copy of the letter to be sent to the Commissioner of Customs. [*Col. Entry Bk., Vol. CVII.*, pp. 44-50.]

Aug. 24.
Council
Chamber.

661. Report of Lords of Trade and Plantations to the King. We have received from Colonel Stapleton the report of the capture of an interloper by the ketch Quaker [Deptford], and of the subsequent embezzlement of her cargo by the captain, together with an abstract of the depositions of witnesses concerning the same. We recommend that the Commissioners of the Admiralty be ordered to stop the pay of Captain Billop and his men until they have made satisfaction. We submit it also whether the captain deserves to continue in your service, and whether he should not be at once summoned home to answer these charges. *Draft.* 1½ pp. [*Col. Papers, Vol. XLIX.*, No. 28.]

[Aug. 24.]

662. Petition of the Governor and Company of Massachusetts Bay to the King. We are deeply grateful for the favours of your father and yourself, by the sense whereof we are the more deeply concerned lest through any administrations of ours and misrepresentations of others the same should be changed towards us. We beg you therefore to consider that the difficulties of settling a wilderness may have occasioned some irregularity of law among us, which arose not from pride but from inadvertence. None the less we crave pardon and promise adherence to our charter in future. We have sent over Joseph Dudley and John Richards for our Agents, who will tell you what we have done to alter the laws objected to by your law officers. We also send an address from the inhabitants who live within the compass of Mr. Mason's pretended claims, which claims appear to them to be very unreasonable. We therefore pray for their security against the said Mason. We also humbly represent that our purchase of Maine was made, not to keep the province out of your hands, but for the good of your subjects. We beg your favourable consideration hereof. *Signed,* Simon Bradstreet, Governor of the Massachusetts Company. 1 p. *Endorsed and inscribed.* Recd. 24th August 1682. From the Agents. [*Col. Papers, Vol. XLIX.*, No. 29, and *Col. Entry Bk., Vol. LXI.*, pp. 143-145.]

[Aug. 28.]

663. Petition of James, Earl of Doncaster and Dalkeith. Playing for a grant of Florida, Cape Florida, and Guiana, to

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himself and heirs, on condition of settling the same. *Subscribed,* Order of the King in Council. Whitehall, 28th August 1682. Referring the above petition to Lords of Trade and Plantations for report. *Signed,* L. Jenkins. *Endorsed.* Presented by Sec. Jenkins, 31st Aug. 1682. Read Sept. 12, 1682. *Enclosed,*

663. i. A further explanation in nine heads of the particulars of the territory and of the Government. $\frac{3}{4}$ p. [Col. Papers, Vol. XLIX., Nos. 30, 30 i.]

[Aug. 28.]

664. Petition of Abraham Langford to the King. Petitioner having had long experience of the West Indies was asked by the Spanish Ambassador to undertake a command for clearing the French out of Hispaniola, but would not accept it, as your Majesty disapproved. You granted petitioner, however, the Patent of Clerk of the Naval Office of Barbados, to which he has appointed his son as deputy. Prays grant of the office to that son after his own death. *On the margin.* *Mem.*—The petitioner is dead since this petition was drawn. His Majesty will remember him if he be told that this was the man who prosecuted him with the Guaiacum powder. *Below.* A reference of the petition to the Lords of Trade and Plantations for their Report. Whitehall. 28th August 1682. *Signed,* L. Jenkins. *The whole a copy.* 1 p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 31.]

[Aug.]

665. Petition of George Warburton of Gray's Inn, gentleman, to the King, for the post of Clerk of the Naval Office of Barbados, vacant through the death of Abraham Langford. 1 p. [Col. Papers, Vol. XLIX., No. 32.]

Aug. 29.

666. Sir Richard Dutton to Lords of Trade and Plantations. Many thanks for your favourable representation of my services to the King. It would kindle me to further efforts, but my health is much impaired by the heat, and owing to the daily struggle with business, I have not had a day's perfect health since my arrival. This sickness grows on me and I have asked for three or four months' leave in the spring, which will restore me. Meanwhile, I report current business. The establishment of the Court of Exchequer has had a very good effect, and has eased the Government much, without a penny of expense to the King. For instance I lately by accident recovered some papers of account by which I was enabled to charge one Colonel Codrington, the principal man of the faction here, with having received, during his Deputy-Governorship in William Lord Willoughby's time, several sums due to the King and unaccounted for either to him or Sir Jonathan Atkins. My small experience of the world tells me that the same methods that are used against a mutineer in a regiment or army may be employed in part against an incendiary in a State, namely, quickness and resolution in apprehending both. As to execution, the cases differ, for the soldier's often admits of no delay, while the other may have time to obtain mercy. I have in some measure been quick to strike at the head of a factious party, and have been as

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successful as ever I had anticipated. It makes the hearts of the factious to ache to see the most popular man in the Assembly in trouble. I caused the Attorney-General to lay an information in the Court of Exchequer against him as a debtor to the King; and on a trial by twelve indifferent jurymen, a verdict was given against him and judgment passed for 579*l.* 10*s.* 0*d.* due to the King. I have sent a full account of the trial to Mr. Blathwayt, so shall not repeat it here. When judgment was passed Colonel Codrington produced an account that the King was in his debt over 1,200*l.* for money laid out for the public during his Deputy-Governorship, and prayed that it might be audited by the King's auditor. This was granted; but the auditor made his return according to the verdict of the jury. He then addressed himself to me, and received the answer that if he had disbursed any money by the King's order or for the King's use, the Lords of the Council or the Treasury would produce them, and that I should do him justice; but that I could not remit a penny of what was duly recovered without the royal order. This proceeding has been of great benefit. You know how long I have struggled with an obstinate and perverse people, and now I have good reason to hope that I have entirely conquered. They are now fully satisfied that I shall not loose one punctilio of the royal prerogative, nor one penny of his rights. I have always been tender not to invade their just rights, and more I will not grant them. So that contrary to my expectations they presented me last week with a Bill for an import upon liquors and some other commodities, but would not give it the title of an excise; for that is a thing which they have opposed for years to the great dishonour of the King and detriment of the country, and the same reason that urges them to it now should have been doubly cogent with them before. I told them, however, that before I would assent to it, they must concur with me in two things: first, as to the form, that it was to be granted to the King according to the style of enacting laws in England; second, as to the time, that I could not pass it for less than one whole year. To my great surprise they frankly yielded both points, and gave me a present of 1,500*l.* out of the money raised by the Bill, telling me that they were sorry for miscarriages in the past and would be found very dutiful in future. I answered that I would judge their intentions not by their words but by their deeds. I am well assured that Colonel Codrington was the principal mover of this Bill and of its passing through the Assembly. Since then he has been with me, and promised compliance with my orders in future; and he begged that I would implore your intercession with the King for the remission of this great debt, else his family will be ruined. I recommend him, as a hearty penitent, to compassion, and have suspended the issue of execution against him till I hear of the King's further pleasure.

As to your order to submit the names and characters of men suitable for Councillors, I beg that I may do so by word of mouth, as I hope to return home shortly. I have sent to Sir Leoline Jenkins the names of two persons that I desire may succeed me

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in case of my death, viz., John Witham and Edwyn Stede, both men of loyalty, integrity, and zeal for the Church and fit for all commands but the military. I hope that the King will appoint but one at a time, Mr. Witham first, and the other to succeed in case of his death. William Lord Willoughby, returning home on leave once, left three deputies behind him, which made great confusion. You refer to a letter instructing me how to govern myself if the Leeward Islands should go to war with the Indians, but no such letter has reached me. It long seemed to me strange that in this Island, where there are so many rich residents, there should be no monument of any one man's charity. I find on inquiry that there are many considerable charitable legacies lying in the hands of various persons of which no account has been called for for ten or twenty years past, to the great discouragement of others who are deterred from making charitable bequests by seeing the rich alone profit thereby. I issued a Commission to six or seven able men who, I knew, had no part in the concealment of these funds, to inquire into all pious and charitable donations, examining witnesses and juries, and, as they made full discoveries of any, to decree them. They have been so diligent that in a month's time I shall have a full account and return from all the parishes, and doubt not to recover four or five thousand pounds in money, which will be decreed by the Commissioners. I shall then take all imaginable care that the money shall be applied according to the intentions of the benefactors. This proceeding has encouraged two gentlemen to give 1,000*l.* to build a free school, and for the maintenance of six poor boys. In October I hope to review the whole of the Militia. They are now clothed like the King's army in red coats, black hats. I intend, at the same time, to model the horse and reduce half of them to dragoons, which would be of far greater use to the Island in case of real need. I have also prevailed with the Assembly to give 1,000*l.* to buy land and build a magazine, and I hope also a State-house, and this at their own charge and not the King's, a thing unheard of before.
 5 pp. Unsigned. Endorsed with a long précis. Recd. 7 Nov. Read, 25 Nov. 1682. [Col. Papers, Vol. XLIX., No. 33, and Col. Entry Bk., Vol. VII., pp. 133-140.]

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667. Sir Richard Dutton to [Secretary Sir Leoline Jenkins]. I send the names of two gentlemen to succeed me in the case of my death. They should not be appointed simultaneously (*see preceding abstract*). Mr. Witham is a man of great ability to manage all the civil government, but he is unacquainted with the military part, or he would be a wonderful Governor. However, he is as good in this respect as any one else in the Island, for there is not one person of quality who has ever served in any army, and I have put the Militia into such order that he will have little to do during my absence except to obey the instructions that I shall give him. I write with great difficulty, being indisposed by the great heat, which takes my strength and stomach from me. Holograph. Signed. 1 p. [Col. Papers, Vol. XLIX., No. 34.]

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Jamaica.

668. Sir Thomas Lynch to Lords of Trade and Plantations.

I have written to you twice since my arrival, and several times to Mr. Blathwayt. This may not be satisfactory, but I have been sick ever since I entered the tropics, and am still ill and afflicted with giddiness in the head, which renders me not so "recollected" as I ought to be when I write to you. I have sent you an account of our military stores. The forts we have inspected and found in bad condition. Part of Fort Charles I have ordered to be pulled down, and battlements to be raised with brick. The new powder-house is repairing, and new wheel-carriages making, and stone is sent for from England to lay the platforms, which are rotten in all the forts and lines. When this is done and Fort Charles made as strong as possible, and another line built under it to the seaboard of Port Royal, the fortification will be very strong. When the violent heats are over I intend to order a muster of troops and regiments, and send you an abstract of their rolls, which are not so full as heretofore. We have lost many men by the sallies of the privateers, and few or no servants come from England. They write that my Lord Chief Justice will permit none to come, though they are willing and go to acknowledge it before the Magistrate as the law directs. I wish you would move him to be less severe to us, for those idle people do mischief in London, and would do good here. As I have already written, I know not what to say to the laws, but, since they are before you, I beg your instructions. Possibly, when the Assembly meets on the 21st of next month, I may hint to them how necessary and reasonable it is to amend the Act of the Revenue, and, if they ask my opinion, shall give it frankly, that the laws will not pass. For the King cannot in honour pass a body of laws so tacked [to a money Bill] contrary to all reason and precedent, nor in prudence can he allow of Assemblies not summoned by himself or his Governors. Commissions of that nature have been fatal at home, and may be inconvenient here in time, though I believe not. The people are well enough disposed, but by letters from England and evil designs here have been spirited into extraordinary distrusts and jealousies. So I conclude that they will do nothing till they hear from you, and but little after. I shall obey your orders exactly on all points, but must presume to say that the more latitude you give me the more service I shall be able to do the King, and the sooner I shall settle the people. You judged rightly for the King's honour that no short Bill of Revenue should be accepted, but, with your leave, I think a perpetual one against his interest. For, without their Act, I doubt not to find enough, after some considerable time, to pay the Governor, Chief Justice, and Auditor-General. As to the fortifications and other contingencies, they are the Island's concern and must be neglected at its peril. I hope shortly to give you an account of the Revenue, though imperfect, for either embezzlement or bad methods makes the Collector unwilling, and the Deputy-Auditor unable, to put the accounts into order. The Collector is aggrieved, and says he has passed them to the Council and therefore they ought not to be inspected. His unwillingness

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has made me give positive orders that the books, or copies, be given to the Deputy-Auditor, who is to examine everything since Lord Vaughan's time, and to report first to me and the Council, and afterwards to the Auditor-General in England. I told the Collector I understand the method to be this:—It is his duty to receive all the revenue, whether the King's or raised by the country; and this money, being issued out by the Governor or Governor in Council, he is to submit, as all accountants in England do, to the audit and examination of the King's Auditor-General, who brings it to us, and afterwards remits it to you and to the Treasury twice a year. This method will inform your Lordships, ease me and secure him, for I suppose he can have no quietus but from the Lords of the Treasury. I am writing to them for their opinion on this method. I have ordered the Clerk of Council to send you by next conveyance the Minutes of Council from 14th May last to 14th instant, and to transmit the rest (which has been omitted) according to your order. The officers all regret writing so much, but your Lordships shall be obeyed, and for the future the copies shall be sent more frequently. No accounts of land taken up or of quit-rents can be had of the Surveyor-General, for you will see by the Acts of the Council that the office is suspended. The Assembly having imposed security of five thousand pounds and allowed but twopence an acre fee, and some of his deputies having been dishonest, he acquiesced in our orders. So I am now appointing Surveyors to the different provinces under oath to do their office faithfully, and under security of three hundred pounds. The country is mightily eased and satisfied by this constitution. When the Council meets, I intend to propose the appointment of Collectors for the King's quit-rents in every parish, for the Receiver-General has done nothing, nor can he, for the Island is great, and the poor cannot come to Port Royal or St. Jago to pay. Many have great arrears, and use all tricks to put off payment. There is abundance of land that cannot be discovered by one at a distance, nor can one man account with all the Island. But I intend that an intelligent man in every precinct shall, by the records (which are imperfect), the vestries, the surveys, and the neighbourhood, discover every parcel of land, and bring it to a rental within two or three years' time. Now nobody can guess what it is. The Collector must be content that these persons receive the ten per cent. he expects till ordered otherwise by the Lords of the Treasury, to whom I shall report when we come to a final resolution. I mention so much now that you may see that nobody can now guess what the King's rents and other dues are, though I hope that, when faithfully collected, they will prove not inconsiderable. In obedience to your orders I have given the naval officer instructions to send you copies of shipping, exports, imports, &c., every six months. You will find these returns considerable, for there is a great trade here. Much cotton, sugar, indigo, &c. is made in the Island, and there are hopes of vast quantities of cacao in a few years. We consider some land in St. George's on the north side so proper for it that it will not blast (*sic*). If we are right,

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five hundred pounds' expense will raise more than five hundred pounds a year.

We have much money, and a great quantity of hides, cacao, &c., imported by our trading sloops. We have about twenty of these, from fifteen to forty-five tons; they are built here, admirable sailers, well armed and treble manned, some carrying twenty or thirty hands, who receive forty shillings a month. They carry from here some few negroes, and dry goods of all sorts, and sell them in the islands, and all along the coast of the Main in bays, creeks, and remote places, and sometimes even where there are Governors, as St. Jago, St. Domingo, &c., for they are bold where they are poor. But at Cartagena, Portobello, Havana, &c., the Spaniards admit no one. This trade were admirable were we not undersold by great Dutch ships that haunt the coast of the Main and islands, and were we not fearful of pirates, which is the reason why the ships are so strongly manned. These and other expenses and hazards carry away much of the profit. This trade employs all the privateers that are come in, and would bring in the rest had I your Lordships' order to connive at it. I beg you therefore to give it me if you think it reasonable.

I have had dreadful apprehensions of Governor Clarke's letters of marque, so on my arrival sent you the commission he gave Coxon, who came in and lived honestly under Lord Carlisle's or Sir Henry's Act of Oblivion. That Governor has since sent me the clause in the Lords Proprietors' patent, which he thinks justifies his illegal commissions. I send you not only his letter, commission, and the clause, but my answer, which may possibly be judged too aigre or imperious, considering him as an independent Governor and preacher, but I hope that it may stop his granting these commissions, which might ruin us before you could give any orders thereon. Besides, these Bahama Islands were once under this Government and must return to the King's, or they will remain nests of robbers. Since I wrote to him, his most considerable subject, a Quaker, tells me that the first outrage was done by his order, and by his subjects, on a Spanish barque that came to fish for silver at the wreck. They still continue at it, and often get ten or twelve pound weight a man, mostly by the ingenuity of a Bermudian, who has a tub that he puts perpendicularly into the sea so that it does not fill, but he can put his head into it when he wants breath, by which means he stays three-quarters of an hour under water. I have forbidden our cutting logwood in the Bay of Campeachy and Honduras, your Lordships having justly declared that the country being the Spaniards' we ought not to cut the wood. There is not the least pretence or reason for it. It is now become a greater drug than fustic, and is almost all carried to Hamburg, New England, Holland, &c., which injures us and the customs and trade of the nation. I have, therefore, sent to order the men up, and to tell them that I permit no more vessels to go that I can hinder. We have lost abundance of men, and suppose two or three hundred of them to be now in Yucatan and Nueva España. I have had a lamentable petition from some

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of them, and a young fellow the other day gave me the narrative that I now send (*see ante*, No. 385). I gave him no favourable answer, for I could not seem to encourage unlawful acts, and I think that what is done against the Spaniards is to our own prejudice. However, I think that the men should not be made slaves, and that the capitulation at Trist should be kept. When I have a frigate or other ship and the season is fitting, I think of sending to Vera Cruz; but the simple and short way is for our ambassador at Madrid to procure an order for their delivery and send me an authentic copy, or they will pretend that they can do nothing without an order from Spain. Among abundance of irregular patents lately passed I send you copy of one that grants to Mr. Powell, the Deputy Secretary, and to two idle surveyors, all the mines that chance to be discovered for twenty years, for no consideration but a tenth. Lord Carlisle had an instruction to lease the mines which made Sir Henry Morgan think he might do this. It seems to me the only expedient to make people conceal, or, at any rate, never search for ore, and may occasion great disorder and vast prejudice to the King if anything should be discovered. I have ordered your letters to me and to the Council to be recorded, and, when our affairs are more settled and my health better, I will answer as well as I can your many queries.

A week ago a ship of the Duke of Courland's arrived with his agent, Mons. Hesselberg, the master and all the seamen being English. They came from Tobago which the Duke pretends to own, and to settle, it should seem, with English subjects; for this ship was in distress at BB [Barbados], and there found credit for five hundred pounds to fit her out. Thence she went to Tobago with one hundred and thirty-five English passengers. She was to load wood and return thither for more, but was driven here by bad weather, where, as she has no credit, she must be laid up and sold. They tell me some letter of the King's procured them credit and favour at Barbados, which I wonder at, for every new colony is a prejudice to the King, and his subjects settled there are lost. Tobago is but forty-five leagues south-west of Barbados, and if a little settled and secured it will be sufficiently supplied by the Dutch, who can sell European goods thirty per cent. cheaper than we and will pay dearer for American goods. So that this Island will supply Barbados with sloops, and ruin the trade with England. The neighbourhood of Statia, Saba, Curaçoa, and the French Islands to our Leeward Islands has done the customs and trade of England much hurt. Our French neighbours will not hurt us that way, for they are the most "rapinious and unpracticable" people of that nation. They have piratically taken two or three of our vessels and a sloop the other day, but the ship stopping at Petit Guavos to deliver a letter was confiscated. The French are settled all round Hispaniola, but thinly, and plant only tobacco. They intend cruising chiefly, and are so mated that one stays and plants while the other goes abroad to seek booty. I cannot speak certainly of their numbers, but reckon them about three thousand. If they take St. Domingo, in a short time they will ruin the West Indies and us. I have

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already suggested that it would be well to find out whether the French King allows these commissions. Shortly before my arrival the ship *Trompeuse*, belonging to the King of France, sailed hence. She came laden with clayed sugar, and was brought by one Paine. He pretended he was a Protestant and come to settle, that the goods were his own, and that the King had security in France for his ship. Believing this, they let him unload and sell his cargo custom free. Two merchants, Mr. Banks and Mr. Ward, hired the ship and sent her to the Bay of Honduras to load logwood, sail for Hamburgh, and then be delivered to the French Agent. A French pirate hearing of it followed her in a sloop, invited first the master and the mate aboard him, and then sent and seized the ship. He has carried her to some creek or bay where he is fitting her for a man-of-war. I hope this may be the last we hear of the Governor's intriguing us in disputes with the King of France, which I think was very ill considered. By my former report of two of our sloops being taken and their men murdered by pirates you will judge it necessary to have a frigate here. If one is not come I hope you will move the King to send one; otherwise we can neither awe the pirates nor check the interlopers. Last week came into port one Daniel, who had landed one hundred and twenty negroes to eastward. I sent to seize the ship, but they say he came to me under twenty-four hours after he landed the negroes. The Royal African Company's factors would not seize, because they have a great trial going forward this sessions and most people judge that they will be cast. I fear judges and jury will not allow seizure after the negroes are landed and marked, and the property has changed hands. I have done and shall do my best to serve the Company, but if the interlopers cannot be brought into the Admiralty-Court nothing more can be done here than in England or Barbados. I suppose that is the reason why they have a frigate there. We want a frigate for both pirates and interlopers. They tell me there are seventy interlopers on the coast of Africa. Their "opiniatretie" is extraordinary and may choke the charter or hurt the Royal Company, but it will not harm the King's customs or English trade, for every negro's labour that produces cotton, sugar, or indigo is worth twenty pounds a year to the Customs, and four times as much in the case of cacao, if it keeps up its value. Moreover, it is impossible to hinder the importation of negroes, for the Island is large and slaves as needful to a planter as money to a courtier, and as much coveted. I think the Company has imported about fifteen hundred since I came, which were sold for ready money in a day; and many men that had money went away without any slaves. *Holograph. 13 pp. Endorsed with a long précis.* Recd. 20 Dec. 1682. Read 18 Jan. 1682-[3]. [Col. Papers. Vol. XLIX., No. 35, and Col. Entry Bk., Vol. XXX., pp. 78-91.] Annexed,

668. i. Sir Thomas Lynch to the Governor of New Providence. I have received yours of 10th July, with Coxon's commission, and the clause on your Lords' charter that seems, in your opinion, to justify the letter-of-marque. In my

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opinion it does not justify it, and I say so frankly because you desire my advice, and it is for the King's service and your safety that you be not deceived on so arduous a point as that. I do not presume to judge what the King has granted to your Lords, nor can any one well do so on a particular clause without seeing the whole charter, for such clauses are often explained or retrenched by what precedes or follows. If you have been injured, and your Lords have given you instructions to do yourself right on the Spaniards or the King's allies, contrary to the conditions which the King has sworn, which oblige us to complain to London and Madrid before letters-of-marque are to be granted, then they must know that the King has alienated his sovereignty, and that they can answer it by law. You may thus believe yourself sufficiently justified and be safe in following their orders, but not in expounding their charter after such a manner. For, even if you have a power against pirates and savages that may attack you, it will hardly be concluded in England that the Spaniards are such, particularly when it is known that your Islands are peopled by men who are intent rather on pillaging Spanish wrecks than planting, that they carry on their work by Indians kidnapped or entrapped on the coast of Florida, and that all the violence you complain of arises only from disputes about these wrecks, from which the English and French have driven the Spaniards contrary to natural right. For the sea ought to be free and the wrecks are the Spaniards'. I have not heard that Coxon landed anywhere. He came straight here to deliver me your commission, which I have thought it my duty to send to the Lords of Trade and Plantations, for I believe the granting of such commissions by any subject are contrary to treaty, prejudicial to the commerce of Europe, and ruinous to the King's colonies. We know what slight papers the French call commissions of war, and as slight may serve our privateers to make another sally as fatal to themselves and others as these late ones have been. Nor do I understand how you came to give such a commission to any of the King's subjects under this Government without taking the usual security to ensure compliance and respect. I know not how you will account for this omission, but I am sure you will not be so ill informed as to think that one who lately pretended to be a General in the South Seas [Coxon] would go hunting a *barco luengo* in the Bahama Shoals. I fear that in England they will rather suppose you intended to make your Government a Tortugas, for certainly all the pirates in the Indies are now lying in your latitude. Yet I do not suppose that the King meant to give Havana any more than Mexico or

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St. Augustine's to your Lords Proprietors. Nor do I think that you intended to grant commissions which might bring such evils in their train. Let me therefore advise and desire you to grant no more till the King makes you a judge in your own case, or the Lords instruct you to take satisfaction or levy war as you see convenient. Above all, give no commissions to men of this Island, for our laws will judge it piracy, which may be prejudicial to you as well as fatal to them. They are far from respecting your commissions, for Coxon, seeing that I was amazed and angry at him, said that, if I pleased, he would fetch you to answer for it. I checked him, as you may believe, for I knew nothing of you or your Government more than your letter tells, nor do I pretend to do more than is for the King's service, wherein I expect you to join me. *Copy.* 2½ pp. *Endorsed.* Recd. 20th Dec. 1682. Read Jan. 18, 1682/3. [Col. Papers, Vol. XLIX., No. 35 I.]

668. II. Commission of Robert Clarke, Governor and Captain-General of the Bahamas, to John Coxon, to make war on the Spaniards of Cuba, St. Augustine, and others. *Copy.* 3 pp. *Endorsed.* Recd. 20th Dec. 1682. Read at Committee, Jan. 18, 1682/3. [Col. Papers, Vol. XLIX., No. 35 II.]

Aug. 29.
Jamaica.

669. Sir Thomas Lynch to Secretary Sir Leoline Jenkins. I have written at large to the Lords, so shall not write to you. But next week I shall do so lest the former letter miscarry. I hope you will interpret favourably, and consider that affairs here are in that kind of posture a more capable man could hardly say more of them than I. *Holograph.* 1 p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 36.]

Aug. 29.

670. Answer of the Agents for the Massachusetts to the King's letters. Letter of 24th July 1679 requires, that agents be sent over in six months; that freedom of conscience be given to members of the Church of England; that all other sects, Papists excepted, be subjected to no penalty or incapacity; that all freemen rateable at ten shillings be capable of the magistracy. *Answer.*—The Agents have been delayed by the dangers of the sea, and by want of money owing to expense of the late war. Anglicans lie under no disabilities by law or usage, and there is now no law against dissenters but what is consonant to the law of England. There is no distinction in making of freemen except that prescribed by the King, and all laws contrary to that practice are now repealed. Also, in obedience to the King's order, the ancient number of eighteen assistants has been restored; all officers take the oath of allegiance; all commissions and writs run in the King's name; all laws inconsistent with the laws of England have been abolished.—The same letter complains, that while Mr. Gorges's complaint was yet before Council, the Company purchased the province of Maine. *Answer.*—

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The families in Maine settled there in 1640, buying out the Indians ; they invited us to extend our government to them owing to their intestine divisions. As to the allegations that we have laid a severe hand on the province, we can make no answer as no particulars are given. We spent 10,000*l.* in the defence of Maine in the Indian war. Mr. Gorges claimed the province on a dormant patent, and we gave him 1,250*l.* for his title solely for the benefit of Maine. The King requires a reassignment of the province on repayment of the money ; but what assignment can we give of benefit to any assignee but such as is unlawful, and must defeat our charitable purpose towards Maine ? Lastly, in respect of that portion of New Hampshire three miles northward of the Merrimac, we withdrew all our commissions as ordered by the King.

The King's letter of 13th September 1680 complains, that the instructions in his last letter have not been carried out, that agents had not been sent, and that Mason's claim to New Hampshire had been reserved for consideration till their arrival, and orders that the Agents shall come with full power to attend the regulations of New Hampshire and show the Company's claims thereto. *Answer.*—The delay in the departure of the Agents was not due to disloyalty but to the wish to proceed with satisfaction to ourselves. We believe that the claims to New Hampshire are now ordered to be tried on the spot. For the rest, we Agents are here, and the remainder of the King's orders have been carried out.—The King's letter of 21st October 1681 complains, that Mr. Randolph was unable to do his duty as attachments were granted against him and his officers for executing the same, and that when he prosecuted offenders he was obliged to deposit security ; that appeals to the King in the matter of Revenue were refused, and that the Company had seized the moiety of fines and forfeitures due to the King. *Answer.*—Mr. Randolph's patent was duly recognised and enrolled ; no suit against the King's officers has been countenanced but such as in our best judgment was necessary to protect subjects against vexatious proceedings ; security and costs were only asked for extraordinary trials out of term ; if all matters may be referred indifferently to England on appeal it will be a great hardship to those concerned owing to the distance.—The same letter requires Agents to be sent over ; that Mr. Randolph shall be supported in the executions of his duty ; that restitution be made of all money levied on the King's officers ; that an account be presented of all forfeitures ; that all Trade Acts be put in execution ; that breaches of the same may be prosecuted without charge to the King's officers as in England. *Answer.*—We agents are here ; Mr. Randolph is supported ; no money was taken from the officers except for extraordinary trials and this being now distributed cannot be recovered ; there have been no forfeitures of ships or goods ; but when there are, account shall be given ; the Acts of Trade are all in execution, and the practice as regards officers is the same as in England. We hope that the question of appeals may be reconsidered.

6 pp. Arranged in parallel columns of the King's letter and the

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Agent's answers. [Col. Papers, Vol. XLIX., No. 37, and Col. Entry Bk., Vol. LXI., pp. 152-163.]

Aug. 31. **671.** Duplicate copy of the answers of the Agents for the Massachusetts, as in preceding abstract. A separate column is added with the heading "Proofs," containing references to laws, and frequently "This the Agents know to be true." 7 pp. *Inscribed.* Ulto. Aug. 1682. [Col. Papers, Vol. XLIX., No. 38.]

[Aug. 31.] **672.** A short account of the particulars wherein the King has at divers times required the compliance of the Massachusetts Bay, with several instances of their late unwarrantable proceedings. Letter of 28th June 1662. Ordered—That all laws derogatory to the King's Government should be repealed, that the oath of allegiance should be administered, the administration of justice should be carried on in the King's name, that freedom of conscience should be granted, and all sects admitted to vote for election of officers. At a Committee of 27th July 1677 the Agents were acquainted that the King's pardon must be asked for coining money, that the Acts of Trade should be observed, that laws repugnant to the laws of England should be repealed, that their principals should be informed of these orders, and that no laws concerning trade should pass without the King's sanction; that no tax be raised but in the King's name, and that the existing practice of swearing all persons to be true to the Government be abolished. At a Committee of 2nd August 1677 the agents were told that their principals had no right to levy money upon those who traded with them. At a Committee of 8th April 1678, notice was taken of the encroachments of Massachusetts on New Hampshire, Connecticut, and Plymouth, and the former instructions, wherein nothing had been done, were repeated to the Agents. At a Committee, 18th April 1678, the Agents were informed that the King was much offended that the oath of fidelity to the country had lately been renewed. Letters of 24th July 1679, 20th September 1680, and 21st October 1681 (*see ante*, No. 264 i.) Mr. Randolph complains in his last letters that Mr. Danforth had made a faction against him, and denied his right to seize ships, that a naval office has been erected in opposition to the King's, that some of the Acts of Trade have been excluded from execution, that he has to give security to answer damages before trials, that he is not allowed to see the clearings of ships, that notwithstanding his appeals ships are allowed to go away without giving security to stand a further trial, and that generally he is obstructed in all parts of his office. Finally, there is the case of William Kelso (*see ante*, No. 441). 6½ pp. *Endorsed.* Read 31 August 1682, and again 30 May 1683. [Col. Papers, Vol. XLIX., No. 39, and Col. Entry Bk., Vol. LXI., pp. 145-151.]

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673. Journal of Lords of Trade and Plantations. An abstract of the King's orders to Massachusetts was read (*see preceding abstract*), after which their Agents were called in, and delivered a paper

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concerning the proceedings of the Massachusetts, which being read, they were ordered to produce proofs of their statements. Asked whether they have brought any powers or commissions as directed by the King, they say no, but that they doubt not that whatever the King commands them, will be dutifully obeyed. Also they have instructions, though not in a shape fit to be presented to the Council, which they are ready to show to Secretary Jenkins.

The commission given by Robert Clarke to Coxon, the pirate, was again read, when Lord Craven, one of the proprietors of the Bahamas, reported that they had already sent orders for Clarke's arrest.

Lord Doncaster's petition for a grant of Guiana and Florida read.

Secretary Jenkins presented the petition of Abraham Langford (*see No. 664*). The Lords direct the order concerning offices in Barbados to be produced next meeting. [*Col. Entry Bk., Vol. CVII., pp. 50-52.*]

Aug. 31.
Whitehall.

674. William Blathwayt to Lord Craven. I enclose copy of a commission, and also of a letter from my Lords, with several heads of inquiry, to which no answer has been yet returned. *Draft.* 1 p. *Annexed,*

674. i. Governor Robert Clarke's commission to Captain John Coxon [the pirate] to suppress privateers on the coast of the Bahamas. [*Col. Papers, Vol. XLIX., Nos. 40, 40 I.*]

[Aug. ?]

675. The King to Sir Richard Dutton. Has granted Sir Peter Colleton two years' further leave of absence from attendance at the Council of Barbados from 28th October ensuing. [*Col. Entry Bk., Vol. XCIX., p. 173.*]

Aug.

676. Memorandum.—That Lord Culpeper, in August, received a copy of the Order in Council of 3rd November 1680, forbidding Governors to leave their Governments from England without leave. [*Col. Entry Bk., Vol. LXXXII., p. 87.*]

Sept. 2.
Southampton.

677. A. de Cardonnel to Captain William Dyre. I received your letters and have delivered them. That to Doctor Speed, mayor of this town, was delivered on the 28th ultimo, who told me that he knew nothing of what had passed concerning Mr. Winder, not being then in town, but that he would speak to the deputy mayor, before whom these things were transacted, and tell you what he knew. *Signed,* Adm. de Cardonnel. 1 p. *Endorsed.* Recd. 4 September 1682. Answered. [*Col. Papers, Vol. XLIX., No. 41.*]

[Sept. 7.]

678. William Blathwayt to Sir Leoline Jenkins. Lord Culpeper this morning sent me a warrant for passing his Commission as Governor of Virginia under the Great Seal, adding that he was not willing to be put to any expense for passing it. I conceive that in this way it will be delayed beyond the day fixed for his departure, which is to-morrow se'nnight. I thought it my duty to inform you,

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for it is necessary not only for the Commission to pass at once but for provision to be made to defray the expenses. *Holograph.* 1 p. [Col. Papers, Vol. XLIX., No. 42.]

Sept. 8.
Whitehall.

679. William Blathwayt to Robert Bertie. I enclose copy of a pass given for the French ship La Trompeuse, to be delivered to the Commissioners of Customs (see ante, No. 459), requesting that nothing may be done contrary to the Acts of Trade in the disposal of the ship. $\frac{1}{2}$ p. *Draft. Inscribed and endorsed.* [Col. Papers, Vol. XLIX., No. 43, and Col. Entry Bk., Vol. XXX., p. 73.]

Sept. 8.
Barbados.

680. The Governor and Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly return of the Council's transactions and of imports. *Signed,* Ri. Dutton, Fra. Bond, Robert Davers, Richard Howell, J. Peers, Edwyn Stede, Henry Walrond, Jno. Witham. $\frac{1}{2}$ p. *Endorsed.* Recd. 26 Feb. 1682/3. [Col. Papers, Vol. XLIX., No. 44, and Col. Entry Bk., Vol. VII., p. 182.]

Sept. 11.
St. Jago de la
Vega.

681. Minutes of Council of Jamaica. Ordered that Francis Hickman, Clerk of the Patent Office, give security for three hundred pounds for due execution of his office. Letter of 11th October 1681 from Lords of Trade and Plantations read. Agreed that since the Receiver-General has for five years failed to give an account of the King's quit-rents, the work should be done by collectors. The Receiver received time till next Session of Council to prepare his answer hereto. Francis Hickman gave in his security as ordered. Ordered, that if there be sufficient money in the Treasury, the Auditor-General shall have his salary of 150*l.* for the year ending Michaelmas next; also that Sir Thomas Lynch receive six months' salary. Edward Yeamans, Provost Marshal, produced his accounts. Order for money to be paid him toward the building of the gaol. Order for Reginald Wilson, Deputy Auditor-General, to inspect the records. [Col. Entry Bk., Vol. XXXVI., pp. 6-6a.]

Sept. 11.
St. Jago de la
Vega.

682. Resolution of the Governor of Jamaica in Council. On the question whether the King's Receiver-General could make a true rental of the King's quit-rents, Agreed that since, in spite of frequent orders, he has not done in the last five years, the duty shall more properly be done by the collectors in each precinct. *Signed,* Rowland Powell. *Copy.* $\frac{1}{2}$ p. *Inscribed and endorsed* (see ante, No. 668). [Col. Papers, Vol. XLIX., No. 45.]

Sept 11.
St. Jago de la
Vega.

683. Order of the Governor of Jamaica in Council. That Reginald Wilson, Deputy Auditor-General, have at all times free access to all records relating to the King's revenue from the date of Lord Vaughan's departure to the present time. *Signed,* Thomas Lynch. *Countersigned,* Rowland Powell. $\frac{1}{2}$ p. *Copy. Endorsed* (see ante, No. 668). [Col. Papers, Vol. XLIX., No. 46.]

Sept. 12.

684. Journal of Lords of Trade and Plantations. A copy of the proceedings of the Court Martial held on Captain Billop on the

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8th instant, was presented to the Committee and the sentence was read viz., that he is acquitted of embezzlement but guilty of coming home without orders, and therefore remains in custody of the Marshal of the Admiralty during the King's pleasure. Agreed to move the King not to release Billop till the further information promised by Sir William Stapleton shall arrive.

The petition of Abraham Langford (*see No. 664*) to be referred to Sir R. Dutton for report.

Lord Doncaster's petition read and reserved for further consideration.

The Lords were informed that the Agents for Massachusetts had brought such proofs as they could produce, which were very unsatisfactory. Secretary Jenkins also read an abstract of their instructions. The Agents were called in and asked if they had any power or commission to consent to the regulation of their Government, and having none were told the Committee could not enter on the discussion of such matters in default thereof. The Lords agreed on their report (*embodied in Order in Council of 20th September, see No. 697*).

Memorandum of letters sent and received. [Col. Entry Bk. Vol. CVII., pp. 53-59.]

Sept. 12.
Whitehall.

685. Minute of Lords of Trade and Plantations. Recording their decision in the case of Captain Billop (*see preceding Abstract*). 1½ pp. Endorsed. [Col. Papers, Vol. XLIX., No. 47.]

Sept. 12.
Council
Chamber.

686. Minute of Lords of Trade and Plantations. On the petition of Abraham Langford (*see ante, No. 664*), their Lordships think fit that in view of the Order in Council of 20th October 1680, a letter should be sent to Sir Richard Dutton with a copy of the petition, directing him to report whether the naval office of Barbados may not be executed by Langford's son, and that he be continued in the place till further order. 1 p. Endorsed. [Col. Papers, Vol. XLIX., No. 48.]

Sept. 12. Duplicate copy of foregoing. [Col. Papers, Vol. XLIX., No. 49.]

[Sept. 12.] **687.** Memorandum of the action taken by the Lords of Trade and Plantations in their report of 24th August and resolution of 12th September (*see Nos. 661, 684*). In the handwriting of William Blathwayt. 1 p. [Col. Papers, Vol. XLIX., No. 50.]

Sept. 12.
Whitehall.

688. [Sir Leoline Jenkins? to Sir Richard Dutton]. Your actions and addresses are very acceptable to the King and the Committee, and it is a great satisfaction to me that you have acquitted yourself so well in so important a post, though I am sorry that your salary should be so much in arrear in so expensive a place. Your care of the church is very much remarked by the Bishop of London and all good men, and your zeal for justice and authority has pleased the King. I have twice approached the King about your leave of absence, but he did not then approve of it. He finds it very necessary for Governors to be at their posts in such critical times. He has sent out Lord Culpeper in spite of

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considerable and pressing business here. Take care of your health, for so valuable a man as you is not often met with, and let me hear from you as often as you can. [Col. Entry Bk., Vol. XCIX., pp. 174-175.]

Sept. 12.
H.M.S.
Diamond,
Bay of Bulls.

689. Captain Daniel Jones to [William Blathwayt]. I arrived on 23rd August, and my orders are to sail on the 1st September, so I have not had time to give so full an account as I could have wished. I enclose your bonds. None violate the rules of the Western Charter so much as the New England traders, who spirit away the inhabitants, to the mischief both of adventurers and planters. I myself saw one who came into St. John's with eleven hands and was sailing out with twenty. I forced him to put the extra men ashore, and took bonds from the New England traders. The English fishing has been indifferent this season, 150 quintals per boat, not comparable to the reported French catch. Without better government the Colony will come to an end; all is confusion till the man-of-war comes. *Signed*, Danl. Jones. 1 p. *Endorsed*. Recd. 17 October 1682. *Annexed*,

689. i. Bond of John Sawley to carry no English subjects from Newfoundland. *Signed and sealed and witnessed*. 8 September 1682.
689. ii. Similar bond of George Snell. 7 September 1682.
689. iii. Similar bond of Thomas Harvey. 7 September 1682.
689. iv. Similar bond of William Pepperill. *Same date*.
689. v. Account of the inhabitants of Renooze, Firmooze, Aqua Port, Ferryland, Capeland Bay, Cape Broil, Breacaes by South, Renouse. *In tabulated form*. Total families, 37. Men, 519; women, 32; children, 38. 1 p.
689. vi. Account of the fishing ships, with their names, masters' names, port of register, crews and boats. Belonging to St. John's, 20 ships. Petty Harbour, Bay of Bulls, and Whittley's Bay, each 2 ships; Bay of Verds, 3 ships; Old Pertican, 2 ships; New Pertican, 3 ships. 1½ pp.
689. vii. List of sack-ships laden in the different harbours. St. John's, 34; Petty Harbour, 3; Bay of Verds, 5; Old Pertican, 7; New Pertican, 2; Bay of Bulls, 4. 2 pp.
689. viii. List of boat-keepers. In St. John's Harbour, 45; Petty Harbour, 2.
689. ix. Account of planters in the various harbours:—

St. John's	-	230	men	23	women	3	children
Cinttee Wittee	-	120	"	2	"	3	"
Petty Harbour	-	68	"	6	"	2	"
Bay of Bulls	-	96	"	7	"	7	"
Bay of Verds	-	110	"	4	"	9	"
Old Pertican	-	170	"	3	"	0	"
New Pertican	-	45	"	1	"	3	"
Silly Cove	-	50	"	2	"	12	"
Hans Harbour	-	15	"	1	"	0	"
Hearts Content	-	15	"	2	"	2	"
Trinity Harbour	-	11	"	1	"	0	"

3½ pp.

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689. x. Summary of the foregoing in tabular form. 2 pp. [Col. Papers, Vol. XLIX., Nos. 51, 51 i.-x.]

Sept. 12.

690. Reasons of appeal in the case of the pink Good Hope, handed in by Edward Randolph at the Court of Assistants, 12th September 1682. *The document is dated 29th September, evidently by mistake for 9th.* 1 p. In Randolph's handwriting. Endorsed. [Col. Papers, Vol. XLIX., No. 52.]

[Sept. 14.]

691. Articles of high misdemeanour exhibited against Richard Waldern, Richard Martyn, and John Gillman of New Hampshire, by Robert Mason. 1. All three oppose to the utmost of their power the King's commission of September 1679 for the establishment. 2. They took upon themselves to be of the Council without taking the oaths. 3. They have denied appeals to the King. 4. They have disowned the King's sovereignty. 5. Waldern vilifies the government of England. 6. He has spoken disrespectfully of the Royal authority. 7. He has said to some who were for petitioning the King, "What! you would have a King—I will be your King." 8. Going to Boston in March last when the Assembly was met to send Agents to England, he reported that the King was dead, whereat the deputies thought that they need not send Agents to England. 9. In 1677 he treacherously invited the Indians to settle near him, seized them all, hanged seven, and sold two hundred for slaves, which led to the massacre of many Englishmen. 1 p. Endorsed. Reed. 14 Sept. [Col. Papers, Vol. XLIX., No. 53.]

Sept. 14.

H.M.S.
Centurion,
Bay of Bulls,
Newfoundland.

692. Captain Wrenn, R.N., to William Blathwayt. I arrived on the 12th, and expect to sail very soon, so have not had time to send the boats out to explore. H.M.S. Diamond was here three weeks before, so I presume that Captain Jones has given you the information desired. Signed, Ra. Wrenn. $\frac{1}{2}$ p. Endorsed. [Col. Papers, Vol. XLIX., No. 54.]

Sept. 14.

Southampton.

693. A. de Cardonnel to Captain William Dyre. In compliance with your desire I showed Dr. Speed your letter, but he answered as before, that, not being in town, he knew nothing of the transactions against Samuel Winder, so I went to the Deputy Mayor, who gave me this short account enclosed, which is all that he says he can give. So far as I remember it was in February or March last. Winder has not been here since. Signed, Adm. de Cardonnel. 1 p. Endorsed. Reed. 15 Sept. 1682. Enclosed,

693. i. Certificate from the Deputy Mayor of Southampton. That Samuel Winder was accused of infamous conduct to a maid of repute, and for satisfaction promised to give her five pounds, and not having the money was arrested, but made his escape. Signed, Cor. Smith, De. Mayor. Scrap. Endorsed. Reed. 30 Sept. 1682. [Col. Papers, Vol. XLIX., Nos. 55, 55 i.]

Sept. 15.

694. Patent granting to Rowland Powell, Andrew Patten, and John Drury, all mines of gold and silver in Jamaica that may be

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discovered within twenty-one years, on payment of one-tenth of the ore. *Signed*, Dereham, Roger Elletson, Attorney-General. *Copy*. 1 p. *Endorsed*. Recd. 20 Dec. 1682. Read at the Committee, 24 Jan. 1682-83. Referred to the Attorney-General (*see ante*, No. 668). [Col. Papers, Vol. XLIX, No. 56.]

[Sept. 16.] **695.** The Earl of Donecaster to Lords of Trade and Plantations. As my petition (*see ante*, No. 663) is under consideration, I explain that by Florida I mean only such portions as are actually settled, or can justly be claimed. For the Spaniards can hardly claim the whole country in virtue of two small castles. $\frac{1}{2}$ p. *Endorsed*. Reed. from the Earl of Donecaster, 16 Sept. 1682. [Col. Papers, Vol. XLIX, No. 57.]

[Sept.] **696.** Lords of Trade and Plantations to the King. In respect to Lord Doncaster's petition (*ante*, No. 663), we think that it is not convenient for you to constitute any new propriety in America, nor to grant any further powers that may render the plantations less dependent on the Crown. [Col. Entry Bk., Vol. XCVII., p. 84.]

Sept. 20. **697.** Order of the King in Council. That the Agents for the Massachusetts not having brought sufficient powers do forthwith procure sufficient powers from their Government to agree to the regulation thereof, and to consent to such matters as shall be judged necessary, failing which a new *quo warranto* shall be brought against the charter on the first day of Hilary Term next. [Col. Entry Bk., Vol. LXI., pp. 166-167.]

Sept. 21. **698.** Edward Randolph to Governor Bradstreet. Thank you for speaking to the gaoler on behalf of my deputy, Daniel Matthews. I am not well enough to wait on you, and am therefore compelled to write to you that last night my security was offered for my deputy's true imprisonment, but the answer was that by law two persons must engage for that. I can offer no more than I have already. By the Act of the 14th of the King such deputies may plead the general issue, and all judges are ordered to accept the same. I do not press for this enlargement on my own security to be granted by your sole act as Governor (though in such matters you are a free agent), but I ask you only to communicate this paper to the Council at their next meeting. One of those who acted with me is very sick, and Matthews has suffered much from his imprisonment; if anything happen to them their lives must be accounted for. Enlargement and compensation for false imprisonment is the least amends that can be made them, but, if that be not granted, I hope that my security may not be denied. *Copy by Randolph*. 1 p. [Col. Papers, Vol. XLIX, No. 58.]

Sept. 21. **699.** Sir Thomas Lynch's speech to the Assembly of Jamaica. There is little for you to do, and but for your own Act, which enjoins your meeting annually and sitting for ten days, we should hardly have convened you now. We have not called a new

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Assembly, believing that the country could not make a worthier choice of representatives than yourselves. Moreover, it is you that have passed the laws which we hope will be a Magna Charta to us and a limit to myself and all future Governors, so that if they require amendment it is fittest that you who have had the charge and trouble of raising this great structure should have the thanks and glory of finishing it. Being called by the King's writ you are not dissolved by a change of Governors, and are therefore a lawful Assembly. I think it right to mention this, though I believe you are too wise to raise such nice points. Now, though I have no direct message from the Lords of Trade and Plantations about the laws, I say this much from myself: If it is of the utmost importance that our laws pass, it would be well for you to consider now whether they will or no; and, if you judge that they will not, then resolve to remove the obstruction. This is the favourable moment; next year all concessions will be limited by positive orders to myself and by the expiry of the laws. Pray consider how much better it is to go voluntarily a step or two than run risk to be driven God knows how far. If you enter into debate of this matter I shall explain myself; if not, you must take the responsibility of losing the opportunity of establishing peace and laws for this Colony. I do not urge this from any private ends, for God has given me a fair estate and the King a competent salary, so that I want nothing from you. I ask only that we may do ourselves the right to pay our bounden duty and gratitude to the King. Can the King's bitterest enemy say that he ever took the least thing from the meanest subject by violence or contrary to law? Has he ever erred except in excess of bounty? Surely only malice and faction could suggest that such a King would illegally take from a young and needy colony the revenue which he orders it to raise for its own Government, and that, too, when he has just appointed an Auditor-General specially to see that it is not misapplied. Every one of you knows that, while your Act exists, such misapplication is impossible, and I do not believe that any of you so distrust the King. I call to witness that I have no design to injure you or your liberties, nor have I any instructions but to do right, and govern according to the laws of England and of this Island. I did so to the best of my judgment when I was Governor before, and I believe that it was your satisfaction with me that moved the King to send me out again. I hope that no folly may turn us from the port that lies open to us into a wild sea of confusion, the fear of which so discomposes me that I can only say God have mercy upon us and direct you. *Copy. 3½ pp. Endorsed.* Reed. 8 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 59.]

Sept. 21.

700. Speech of the Speaker of Assembly of Jamaica in reply to Sir Thomas Lynch. We acknowledge in all humility the King's favour to us, particularly in sending you back to us as our Governor. I shall not dwell on past uncertainties and difficulties, for our only object was to preserve our ancient form of government, and this we

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hope may ensure our pardon. 1 p. *Copy. Endorsed.* Recd.
8 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 60.]

Sept. 21.	701.	Minutes of Council of Jamaica. List of the Assembly:—
St. Jago de la Vega.	St. Thomas	- { Major Edward Staunton, Lieutenant-Colonel Ralph Whitfield.
	St. David	- { Captain Thomas Ryves, James Lobley.
	Port Royal	- { Major Samuel Bache, Captain Reginald Wilson, William Coward.
	St Andrew	- { Lieutenant-Colonel Samuel Bache, Captain Francis Scarlett.
	St Katharine	- { Samuel Bernard, Major John Bourden.
	St Dorothy	- { Captain Edmund Duck, Captain John Colebeck, John Bonner.
	St. Thomas in the Vale	- { Major George Nedham, Fulke Rose.
	St. John	- { Major Thomas Ayscough, Francis Price.
	Clarendon	- { Thomas Sutton, Richard Dawkins.
	Vere	- { Andrew Knight, William Pusey.
	St. Elizabeth	- { Lieutenant-Colonel Richard Scott, Nathaniel Estaugh.
	St. James	- { Samuel Jenks, Thomas Clarke.
	St. Ann	- { Lieutenant-Colonel Whitgift Aylemore, Captain Benjamin Smith.
	St. Mary	- { Captain John Moon, Andrew Orgill.
	St. George	- { Captain Henry Archbold, Edward Broughton.

The Speaker, Samuel Bernard, with seventeen members of Assembly, attended the Governor, and being three short of the quorum asked for adjournment of the Council to the afternoon. In the afternoon, Edward Broughton and John Bourden informed the Governor that four of their members were dead, whereupon the Governor gave them a return of four in their place. The Governor made a speech, the Assembly replied through the Speaker, and John Colebeck and nine other members gave the Governor the thanks of the House. [Col. Entry Bk., Vol. XXXVI., pp. 6-8.]

Sept. 21.

702. Acts of Jamaica:—Act for raising a public impost for seven years. Act for raising money for soliciting the affairs of Jamaica in England. Passed, 21 Sept. 1682. Recd. 29 Dec. 1682. [Col. Entry Bk., Vol. XLIII., pp. 223-247.]

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- Sept. 21. **703.** Memorandum.—On 21st September 1682 was sent to Sir Thomas Lynch an Order of Council of 3rd November 1681, forbidding Governors to leave their governments for England without leave of the King in Council. [Col. Entry Bk., Vol. XXX., p. 74.]
- Sept. 25. **704.** Minutes of Council of Virginia. Petition of Robert Beverley praying for a writ of *habeas corpus* to be granted to him, read. Ordered that he be retained in custody till the King, to whom all proceedings respecting him have been sent, give his orders. [Col. Entry Bk., Vol. LXXXIV., p. 130.]
- Sept. 25. **705.** Journal of Lords of Trade and Plantations. Petition of Francis Branson read (see No. 441) and referred to the Agents of Massachusetts.
Sir W. Stapleton's letter of 18th July concerning the transportation of malefactors read. Agreed to recommend the delivery of the malefactors to such persons as will give security to land them at St. Christophers. Letter concerning Captain Billop's proceedings read (see Nos. 602, 604), and Captain Billop summoned to attend on Saturday next.
- On Sir Henry Morgan's letter of 17th June (see No. 431). Agreed to recommend that one of the condemned privateers be executed and the other two kept in custody. [Col. Entry Bk., Vol. CVII., pp. 60-62.]
- Sept. 26. **706.** Minutes of Council of Jamaica. John Colebeck and several gentlemen of the Assembly attended to ask the Governor to explain himself over the Revenue Bill. His Excellency summoned the Speaker and House and did so. Petition of Peter Fountaine for redress against a dishonest kinsman considered and recommended to the Assembly. Ordered that in consequence of the insolence of runaway negroes the Act for the better ordering of slaves be strictly enforced. [Col. Entry Bk., Vol. XXXVI., pp. 8, 8A.]
- Sept. 28. **707.** The Clerk of the Assembly of Barbados to Lords of Trade and Plantations. Forwarding copies of the transactions of the Assembly from 25th April to 25th July. Pleads inexperience in excuse of possible shortcomings. Signed, Richard Cartwright. 1 p. Endorsed. Recd. 30 Nov. 1682. [Col. Papers, Vol. XLIX., No. 61, and Col. Entry Bk., Vol. VII., p. 144.]
- Sept. 28. **708.** The Same to the Same. A second covering letter to the same enclosure. $\frac{1}{2}$ p. Endorsed as the preceding. [Col. Papers Vol. XLIX., No. 62.]
- Sept. 29. **709.** Symon Musgrave to [Governor Sir Thomas Lynch ?]. I received yours about half-past two and have made inquiry into the matter. I find no truth nor indeed any talk of any prize that the Trompeuse has taken. The story is probably founded on another which the Dutchman brought, as follows. Off Porto Rico Laurence chased a Spanish ship formerly taken from the French, which Post 3 in the afternoon," Port Royal.

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steered away for St. Domingo. To the eastward of that island she was taken by him, having maintained a stout fight at a distance with him, killed him eight or nine men, and wounded sixteen or seventeen more. On board the Spaniard, which carried twenty-six guns, ten patararoes and two hundred and fifty men, about fifty were killed and wounded. The Spanish captain was wounded in the upper part of his thigh and his belly somewhat torn by a great shot from one of Laurence's quarter-deck guns. He was instantly put ashore with a surgeon and a man to wait on him. The captured ship was bound from Havana to Porto Rico and St. Domingo with money to pay off the soldiers. It is said that the pirates made one hundred and forty shares and shared seven hundred pieces-of-eight a man. Laurence himself is now at Petit Guavos ; his ship and prize are a-fitting. The Governor of Petit Guavos has received his share underhand but resolves to grant no more commissions. I hear that about eight of Laurence's men are landed here at Point and gone into the country. *Signed.*
Endorsed. Recd. 8 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 63.]

[Sept.]

710. Reasons why Receivers for the quit-rents cannot be appointed to every parish in Jamaica. (1.) The procedure is settled by Act which (2) makes the collection the duty of the Receiver-General. (3.) No subject is obliged to pay at any other place but where the Act directs. (4.) Such change of place would be an encroachment on the royal prerogative. (5.) The Receiver-General's patent makes it dangerous for him to collect the rents in the proposed fashion, &c. *Several more reasons of the same kind, deserving Sir T. Lynch's epithets of "false and trivial"* (see post, p. 302). *Large sheet. Holograph, signed,* Thomas Martin. *Endorsed.* [Col. Papers, Vol. XLIX., No. 64.]

[Sept.]

711. Sir Thomas Lynch's explanations to the Assembly of Jamaica of the necessity for passing the laws. The laws should be passed because (1) it will quiet people's minds ; (2) prevent disputes about titles ; (3) raise the value of land ; (4) attract men from Barbados and elsewhere ; (5) hinder arbitrariness of Governors ; (6) please the king and Council ; (7) it may be we have no charter if we have not these laws ; (8) unless we agree to our own laws we must have those of England however inconvenient.

The laws cannot be passed in their present shape, as tacked to the Revenue Bill, because (1) the Lords of Trade, on hearing of it unofficially, declared the proceeding a great indignity to the King ; (2) the King himself has declared against tacking laws ; (3) there is no precedent for it ; (4) it is asking more than ever was granted by a King, to give him nothing and take everything ; (5) it shows unparalleled distrust of the King ; (6) there are many arguments against annual Assemblies ; (7) the affairs of the Colony are in such a state that the King's Ministers will not be trifled with ; (8) the Governor has seen how the Privy Council abridged the laws of other Colonies, which shows that it will do the like for Jamaica.

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The present time is favourable for endeavouring to pass the laws, because (1) the Governor has no particular instructions about laws, so he may be expected to pass a new Revenue Bill, without other laws tacked to it; (2) if the Assembly does not pass them, the Governor will probably receive positive orders to pass them in a way which it will not like; (3) in the impossible event that the laws were passed at home the new Act of Revenue need do no harm; (4) it will make a good impression at home; (5) if new instructions should come from home the Assembly will be unwilling to comply with them and the Governor unable to deviate from them; (6) the Island will not gain and the King will not lose; (7) if we refuse to make our own laws we can hardly complain of subjection to English laws with certain great inconveniences; (8) the Collector declares it difficult to collect the revenue without amendment of the Act; (9) while the revenue is on this footing it is impossible to alienate it. *Copy. 2 pp. Undated. [Col. Papers, Vol. XLIX., No. 65.]*

Sept. 29.
Jamaica.

712. Sir Thomas Lynch to Lords of Trade and Plantations. Since my last, one Baister, master of a New York vessel, is come from New Providence. He says that Captain-General Clarke has four or five *barco luengos* and sloops with commissions of war, and is expecting a Jamaica privateer. They have taken a periago, a *barco luengo*, divers Indians from Florida, and seventeen from Cuba, whom they have sold for slaves. I am more than ever apprehensive of the consequences of this folly and rapine, but I can do no more than report it, for I have no authority to check it even if I had the means. Last week a small Dutch trader and a French boat came in to wood and water, with news that Laurence, a Dutch pirate, has captured the frigate which was carrying the pay for the soldiers at Porto Rico, St. Domingo, and Santiago de Cuba. He took her to Isle de Naia on Hispaniola, and sent to the French Governor, who never refuses commissions, whether before or after capture of a prize, provided he receives some present, as, for instance, a tenth share. The pirates are said to have divided seven hundred pieces of eight per man. A fortnight ago came one Don Gaspar de Montesdoco from Havana to buy negroes. He wants one hundred and fifty, but will hardly get so many, unless of runaways or men not worth the keeping. The Assembly met on the 21st instant. I spoke with the endeavour to remove misunderstandings which certain ill-informed people gave me to believe to exist among them, and hinted to them the reasonableness of trying now to get their laws passed. Two days later they desired me to explain myself, which I fully did, telling them that they must not expect the King to pass the laws while tacked to the Revenue Bill, nor to allow Assemblies convened by their own acts. I said all that my disordered head would permit me. They have, thereupon, voted a new Bill; and I believe they will send it to your Lordships' liking, and do everything to testify their obedience and gratitude to you and to the King. The people is much rejoiced at this reasonable and sober behaviour of the

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Assembly, and have great hope of an immediate and happy settlement, wherein I assure them of your favour. I have ventured to write to the Lords of the Treasury, Mr. Blathwayt having ordered his deputy to examine the accounts and press for the obtaining of a rental. The Council, myself, and every one but the Collector, think this impossible without having receivers in every precinct, and the Collector only gives false and trivial reasons against this (*see ante*, No. 710). Three days ago Don Josepe d'Ollo came here from Porto Bello. He left his *barco luengo* at Tuana, a leeward port twenty-five leagues from Port Royal, and came here in a sloop, being told that one Spurre, an English pirate, with sixty men, was on the coast. He brought me two letters from the Governor of Panama, which I enclose. I expect to hear that the Governor of Cartagena will send a like message to me, the reason being that it is difficult and dangerous to go to Curaçao. The Assiento has been interrupted, the Assentistas not having paid the King the contract, which is one thousand rials a ton. These Governors have seized two thousand negroes, but Don Josepe says they have compounded in Spain, and that the Assiento will be set on foot again. The chief men therein are certain Dutch merchants of Cadiz. Be this as it may, if we had negroes, the convenience of our ports that lie north and south of Cartagena and Portobello would certainly draw all the trade they may have with strangers to us, and possibly my presence here would not discourage them. But it is hopeless to think of a sufficient supply for such a trade when our own planters are so in want of slaves that the last ship had more buyers than negroes. In this way our best trade and our fairest hopes are like to be lost. I shall do all that I can to keep them, in the hope that the Royal African Company may have time to supply us fully. I fear that you may be offended at a judgment delivered here about that Company's patent. I should have prevented it, had I been able, by removing the cause to England, but both parties, Englishman-like, were positive. The Chief Justice has reported the case to Mr. Blathwayt. If the Act about negroes "choque" them I can get the Assembly to quash it, but I fancy that it would be better for the Acts to stand, and so think their factors. When the new Revenue Bill comes home you may do what you please and set that law aside, for it would make no great difference here.
Holograph. 4 pp. *Inscribed with a long précis.* Reed. 8 Jan. 1682. Read at Committee 18 and 25 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 66, and Col. Entry Bk., Vol. XXX., pp. 92-96.] Annexed,

July 21.
Panama.

712. I. The Governor of Panama to Sir Thomas Lynch. I am appointed Governor of this province, and have received an order from the King, my master, to agree for two hundred negroes in some of the Windward Islands which are friends to this Crown. Having always found friendship with the English in the Canary Islands, where I was born, I send Don Joseph de Ollo, fully accredited,

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to you to purchase these negroes. *Signed*, Don Pedro de Porette. *Translation*. $\frac{1}{2}$ p.

Aug. 13.
Panama.

712. II. The President of Panama to [Sir Thomas Lynch]. Three French men-of-war of fifty, forty-four, and thirty-six brass guns arrived at the mouth of Portobello Harbour; and there remained ashore a Portuguese who came with them, who declared that these ships belonged to a fleet of fifteen sail, well manned and equipped for a year, which was designed for some invasion. I give you, however, this advice for what may import the defence of your island. *Signed*, Don Pedro de Porette. *Translation*. *Inscribed and endorsed*. Reed. 8 Jan. 1682-[83]. [Col. Papers, Vol. XLIX., Nos. 66 I., II.]

Sept. 29.
Whitehall.

713. The King to Sir Thomas Lynch. With reference to Sir Henry Morgan's report that, of four pirates apprehended and convicted, one only appears to be made an example (*see ante*, No. 431), our pleasure is that you cause this one to be executed, that two more be kept in prison till further order, and that the fourth, who turned informer, be left to the mercy of the Court. *Countersigned*, L. Jenkins. [Col. Entry Bk., Vol. XXX., pp. 74-75.]

Sept. 29.

714. Minutes of Council of Virginia. Proclamation dissolving the Assembly begun at James City 8th June 1680. [Col. Entry Bk., Vol. LXXXIV., p. 139.]

Sept. 29.
Boston.

715. Petition of Daniel Mathews, in the prison at Boston, to the King. I was appointed a deputy searcher by Mr. Edward Randolph in 1680. At the end of June 1680 I seized the ketch Newbury, under his orders for breach of the Acts of Trade, and brought her to Boston for trial. The Court would neither admit Mr. Randolph's patent, nor our plea of the general issue. On 2nd August last I was taken in execution for 309*l.*, and committed to close prison in the common gaol, where I have been ever since to the ruin of myself and family, until the ketch now under seizure be restored. I beg that you will direct the plea of general issue to be accepted, as the agents now with you have admitted that the Act allowing it is in force. *Signed*, Daniell Mathews. 1 p. *Endorsed*. [Col. Papers, Vol. XLIX., No. 67.]

Sept. 30.

716. Journal of Lords of Trade and Plantations. The Lords agree to their report on the transportation of three hundred malefactors to St. Christophers (*see No. 717*). Sir Thomas Meres, one of the Commissioners of the Admiralty attending, the Lords considered the case of Captain Billop, and ordered that the papers be submitted to the Attorney-General and King's Advocate to report what legal steps can be taken against Captain Billop for the recovery of the negroes embezzled by him. *Mem*—Orders in Council of 3rd November 1680 and 3rd August 1682 were sent to Sir W. Stapleton.

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Captain William Dyre's petition read (*see No. 591*). Agreed to report that his bond be re-delivered to him.

Petitions of Lord Donecaster and of Robert Barclay for grants of Florida and East New Jersey read. Agreed to report against them.

Agreed to recommend that Mr. Randolph be recalled to England. [*Col. Entry Bk., Vol. CVII., pp. 62-65.*]

Sept. 30.

717. Memorandum.—The Lords of Trade and Plantations think that no person who receives the King's pardon on condition of transportation should be sent to the Plantations unless security of 100*l.* be first given that such person will remain there four years at least. On this condition the three hundred malefactors from St. Christophers shall be delivered to anyone who undertakes to transport them. *Follows*, A form of a condition to be inserted in the transportation pardons. *Latin.* [*Col. Entry Bk., Vol. XCVII., pp. 83-84.*]

[Sept. 30.] **718. Petition of William Dyre to Lords of Trade and Plantations.** The King was good enough to make an order for my relief on 21st July, but Winder cannot be found nor heard of within the kingdoin, and no one appears to prosecute the malicious charge against me. I beg that my bond may be delivered to me and that I may be discharged of his scandalous imputations and reinstated in my former position. 1 *p.* *Inscribed.* Recd. 30 Sept. 1682. *Endorsed*, "Granted." [*Col. Papers, Vol. XLIX., No. 68.*]

Sept. 30.

719. Memorandum.—That the Lords of Trade and Plantations, pursuant to Order in Council of 3rd August (*ante, No. 642*), are of opinion that Captain Dyre's bond should now be delivered to him and himself set free to take his legal remedy against Samuel Winder at New York. *Printed in New York Documents, Vol. III., p. 321.* [*Col. Entry Bk., Vol. LXVIII., p. 56.*]

Sept. 30.

720. Memorandum of the recommendations of the Lords of Trade respecting the foot companies in St. Christophers (*see ante, No. 586*). [*Col. Entry Bk., Vol. XLVII., pp. 62, 66.*]

Sept. 30.

721. The King to Sir William Stapleton. Recommending Captain Thomas Hill, Brigadier in the Duke of York's troop of Horse Guards, for a command in the Leeward Islands. $\frac{1}{2}$ *p.* [*Col. Entry Bk., Vol. XCIX., p. 177.*]

Sept. 30.

722. The King to the [Governor and Company of Massachusetts ?]. Ordering them to apprehend William Kelso, who is charged with treasonable language and treasonable actions. [*Col. Entry Bk., Vol. XCIX., p. 178.*]

Sept. 30.

723. Minutes of Council of Virginia. Order for the issue of Hues and Cries for the apprehension of certain unarrested rioters. [*Col. Entry Bk., Vol. LXXXIV., pp. 130-131.*]

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- Sept. 30. **724.** Commission to Colonel Thomas Dongan to be Governor of St. James's. New York. *Printed in New York Documents, Vol. III., pp. 328-329. [Col. Entry Bk., Vol. LXX., pp. 39-40.]*

- Sept. 30. **725.** Commission to Colonel Thomas Dongan to be Captain of a company of foot soldiers at New York. *[Col. Entry Bk., Vol. LXX., p. 41.]*

- Sept. 30. **726.** *Memorandum.*—That the Duke of York continued the old establishment of pay for his officers and soldiers at New York, which was re-written and signed, 30th September 1682. *[Col. Entry Bk., Vol. LXX., p. 41.]*

- [Sept.] **727.** Copy of the queries presented by Edward Randolph and answered by the Attorney-General in 1681 (*see ante, Nos. 92, 122.* 1½ pp. *Endorsed in Randolph's hand.* *[Col. Papers, Vol. XLIX., No. 69.]*

- [Sept.] **728.** Petition of Edward Randolph to the King. Having seized some ships for infringement of the Acts of Trade, I was cast contrary to evidence and the laws of England, and was denied an appeal to your Majesty in Council. Names of the cases referred to, the Newbury, ketch, Swallow, sloop, Good Hope, pink. "Copy of the original sent to Whitehall by way of Bilbao in Sept. last." *In Randolph's handwriting.* 1 p. *Endorsed.* *[Col. Papers, Vol. XLIX., No. 70.]*

- [Sept. ?] **729.** Memorial of the Earl of Doncaster (*see ante, No. 663.*) The gift of Florida is designed for the use of the Scots, and it is begged (1) because the Scots have yet no plantation, while their country abounds with people. (2.) The gift was offered to Colonel Lockhart in 1670 and was only refused because it was hoped that a more commodious place could be obtained. (3.) The same grant was intended for the Scots, and a patent drawn up for it in favour of the Duke of Albemarle in 1679. (4.) The country is still undisposed of. 1 p. *Undated and unsigned. Endorsed as headed.* *[Col. Papers, Vol. XLIX., No 71.]*

- [Sept. ?]
Whitehall. **730.** The King to Sir Thomas Lynch. Warrant for appointment of Sir Francis Watson to be of the Council of Jamaica. *Date left blank.* *[Col. Entry Bk., Vol. XXX., p. 74.]*

- Oct. 1. **731.** Minutes of Council of Virginia. Order for the retention of John Sackler, Matthew Hudson, and Bartholomew Austin in custody failing their ability to find bail in 500*l.* *[Col. Entry Bk., Vol. LXXXIV., p. 132.]*

- Oct. 1.
Port Royal. **732.** Reginald Wilson, Auditor-General of Jamaica, to Sir Thomas Lynch. I send you the account of shipping from 5th April last to the 29th September. When on taking over the office from the last naval officer, Captain 'Hodgskings,' I asked him for the books and papers belonging thereto, but he said he had none but

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loose papers. On his death, since your arrival, I had your orders to have his papers looked over, but found nothing of any consequence belonging to the office. I have now sent copy of his last six months' accounts from 29th September 1681 to 29th March 1682, but there were no bonds that I could find, from the time when Lord Carlisle turned me out for seizing piratical goods and put in first Richard Butler and then Hodgskings. There is no account to be found of the imports or exports of ships and their cargoes, but Captain Hodgskings' account now enclosed. As to the orders issued to the office for the composition of returns during Lord Carlisle's and Sir H. Morgan's time, I can find nothing, so I send the present according to the old method which I used in your Excellency's time and Lord Vaughan's. I beg you to ask the English Commissioners of Customs to inform me what method I am to follow, for the entries of shipping in the naval office made by my predecessor are not discoverable. As Mr. Blathwayt's deputy I cannot well inspect the accounts of the King's Receiver. I cannot find in Hodgskings' accounts any returns of vessels carrying Jamaica produce to other Colonies and paying customs here, but I have now sent a peculiar account of such vessels since my restoration to this office. I could have put both returns into one, but judged the other method more convenient in the absence of instructions. I find certificates here from several custom-houses in England for the carriage of Jamaica produce homo. Some of the bonds contain the word "Ireland," those, namely, from Bristol and Chester, others not. I beg your instructions. Signed, R. Wilson. 3 pp. *On the back, draft of a letter to William Blathwayt. 12 Nov. 1682. [Col. Papers, Vol. XLIX., No. 72.]*

Oct. 3. 733. Minutes of Council of Jamaica. Ordered, that in consequence of privateers lying off the Island the ships now in Port Royal do not sail till Monday next. [Col. Entry Bk., Vol. XXXVI., p. 8a.]
St. Jago de la Vega.'

Oct. 3. 734. Commission of Vice-Admiralty to Colonel Thomas Dongau. [Col. Entry Bk., Vol. LXX., p. 41.]
St. James's.

Oct. 3. 735. Commission empowering Thomas Dongan to appoint a Judge, Registrar, and Marshal of Admiralty. [Col. Entry Bk., Vol. LXX., p. 41.]
St. James's.

Oct. 3. 736. Minutes of Council of Barbados. Order for remitting 216l. 3s. 9d. to Robert Chaplin in payment for arms bought by him in 1677.

Oct. 4. The Assembly brought up Acts for a Committee of Public Accounts and for ascertaining the gauge of casks. Address of the Assembly. Declaration of the Assembly. Warrant for payment of money due to Edward Clipsham and Michael Terrill for services connected with the fortifications. The Bill for securing negroes divided into two Bills. Petition of Richard Bate referred to a Committee. [Col. Entry Bk., Vol. XI., pp. 551-555.]

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Oct. 3. **737.** Journal of Assembly of Barbados. Christopher Codrington elected Speaker. The Committee appointed to consider the gauge of casks presented their report.

Oct. 4. Act for regulating the gauge of casks read and passed. Act to continue the Act for a Committee of Public Accounts read and passed. Declaration of the Governor, Council, and Assembly that in the Act for an imposition on wines there is no intention to abridge the Treasurer's power to grant bills of stores. Address to the Governor asking that 500*l.* be taken from the money voted for building a magazine, and remitted to London for purchase of field pieces, and the same made good to the magazine from the imposition on wines; also that the present to His Excellency be paid forthwith. Adjourned to 31st October. [Col. Entry Bk., Vol. XIII., pp. 501-503.]

Oct. 4 to Oct. 13. **738.** Minutes of Council of New Hampshire. Mr. Edward Cranfield's commission was read and was sworn by the gentlemen appointed to the Council. Robert Mason, Richard Waldern, Thomas Daniel, William Vaughan, Richard Martin, John Gilman, Elias Stileman, Walter Barefoot, and Richard Chamberlain were also sworn. The old seal was given up and a new one produced. Order for a proclamation announcing Mr. Cranfield's assumption of office. Adjourned to 10th October.

Oct. 10. The Governor took the oaths of office and signed the test. Ordered that the commissions of Mr. Cranfield as Governor and Vice-Admiral, of William Blathwayt as Auditor-General, and of Edward Randolph as Collector, be recorded; also the letters from the Treasury and the Lords of Trade and Plantations. Richard Waldern and Richard Martyn were suspended from the Council pursuant to royal instruction. Order to the Constables of the five towns for the election of deputies to a General Assembly, and to administer the oath of allegiance to the inhabitants. Order for constables to use their authority in collecting taxes. Captain Daniel and Mr. William Vaughan to choose a suitable house for the meeting of the Assembly.

[Oct. 13. Elias Stileman delivered up the books of records to the Secretary. List of the records. Ordered that Richard Chamberlain record all bills, deeds of sale, mortgages and wills, as perquisites of his office, also that he be clerk of all the Courts of Judicature. Order for Richard Martyn and Elias Stileman to deliver their accounts to Richard Chamberlain for audit. 4 pp. Inscribed. Recd. Jan. 7, 1682-83. Damaged by tearing away of the seal. [Col. Papers, Vol. XLIX., No. 73.]

Oct. 4. **739.** Duplicate of the foregoing. Undamaged. [Col. Papers, Vol. XLIX., No. 74.]

Oct. 5. **740.** Minutes of Council of Jamaica. Bill for Public Impost
St. Jago de la Vega. read three times and passed. Bill for soliciting the Island's affairs in England read three times and passed. The Assembly desired members of Council to be appointed to join them in preparing

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a joint address to the King. Sir Charles Modyford, Robert Byndloss, Samuel Long, and Hender Molesworth appointed. Ordered, that Sir Charles Littleton and Colonel Beeston take care of the Island's affairs in England. Order for Bill to be prepared for relief of Peter Fountaine.

Oct. 6.

Bills for relief of Peter Fountaine, and for lease of the lands of Bartholomew Sharpe read three times, passed, and sent to the Assembly. The address to the King read and recommended to the Assembly, and its concurrence desired in advancing 760*l.* for the soliciting of the Island's affairs in England.

Oct. 7.

Ordered that the Provost-Marshal have forty pounds, the Clerks of Council and Assembly each twenty pounds, and the Messenger of Assembly five pounds. The Speaker and the Assembly attended, and the Governor gave the royal assent to the Bill for a Public Impost and for soliciting the Island's affairs in England. His Excellency then gave them abundant thanks and prorogued the Assembly to the 4th May. [Col. Entry Bk., Vol. XXXVI., pp. 9, 10a.]

Oct. 6. **741.** A clause of the letter written by the Somers Islands Company to the Governor and Council. We order that neither Mr. William Milburne nor Mr. Samuel Trott be admitted to plead on behalf of any person; and if they do not yield obedience to the King's Order in Council of 25th February 1680 and forbear disturbing of the Government, we shall take such course as will reduce them to obedience. *Signed,* Gerard Conyers, John Chandler, S. Smith, Sam'l Menerell, Henry Dandy, Hugh Nodin, J. Heydon, Samuel Smith, sen., Jo. Browning, Jo. Meredith, Richard Beauchamp Rich. Chandler, Gilb. Gerard, Deputy. *Copy.* Certified by John Tucker, Secretary. March 2, 1682-83. $\frac{1}{2}$ p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 75.]

Oct. 6.
Plymouth.

742. Lord Culpeper to Sir Leoline Jenkins. After losing a fair wind on Monday ~~evening~~ for want of beer and provisions I set sail from Dover last Monday night, between nine and ten, and arrived here on Wednesday at four after dinner. With much difficulty we have despatched all business here and are just setting sail. I have heard from many quarters of a severe but very unnecessary order sent to the captain of the Mermaid about me. I aver to you that from the night I last saw you there had not been a pretence of omission on my side. I had been on board as directed on the day following, being Thursday 8th September, but that the captain was to be at a council of war at Deptford about Captain Billop the day following, and I was actually in the frigate on Saturday long before Captain Tyrrell, from whence, without staying to see him for expedition, I went to Leeds Castle and thence to the Downs, one day before the ship, the wind being contrary both ways. I tell you this because it is true; once out of London I needed no quickening. I shall do my best in Virginia, and hope to give a good account of my business, notwithstanding this hard usage. I never thought that the not

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going to Virginia in any capacity was a punishment. I suppose a continuance there will be a reward. I have not the additional commission mentioned in my instructions. I often called for it at Mr. Johnson's, but fees were expected, 70*l.* in all. I offered to pay the clerks for writing, but that would not satisfy, and as it is wholly the King's business, and my salary is in great arrear, I was not very willing and even less able to pay the money, especially considering the difficulties that I have in payments of a more reasonable nature. I conceive on reading my orders that these instructions are absolutely necessary to me. You might send them after me by next ship. By letters of 14th August from Virginia I hear that all is quiet, and that there will be a great crop, almost as great as if there had been no plant-cutting. Two additional ships are sailing thither with us in consequence. I shall hasten thither without losing a moment for it is important for me to arrive before the Assembly meets. *Signed,* Tho. Culpeper. *Holograph,* 2½ pp. *Endorsed.* [Col. Papers, Vol. XLIX., No. 76.]

Oct. 7.

743. Sir Thomas Lynch's speech proroguing the Assembly of Jamaica. The sudden and happy ending of this session has alleviated the disorders of my head, and the misfortunes of my voyage. We have fluctuated for many years between fears and jealousies, but you have set matters right by separating your laws from your revenue in submission to a King who has given us many benefits. God I hope will give you the blessing promised to peacemakers. You are prorogued to 4th May next. 3 pp. *Inscribed and endorsed.* Recd. 8 Jan. 1682. [Col. Papers, Vol. XLIX., No. 77.]

Oct. 7.

744. Printed pamphlet, containing Sir Thomas Lynch's speech of 21st September, the Speaker's reply of same date, the Assembly's address of 6th October, and the Governor's speech of 7th October (see Nos. 699, 700, 743, 745 i.). *Printed in London,* 1683. 6 pp. [Col. Papers, Vol. XLIX., No. 78.]

Oct. 8.
Jamaica.

745. Sir Thomas Lynch to Lords of Trade and Plantations. I wrote ten days ago, but the ships have not sailed, so I have detained them till to-morrow, to report to you the Assembly's business. The Assembly has passed but two Bills, the first that of the Revenue, without tacking the laws to it or appointing annual Assemblies, which I suppose will be to your liking. The other is for raising sixteen hundred pounds on the parishes in three years. Colonel Long is to have five hundred pounds of it, in consideration of his services in London, where the business of the country kept him much longer than he expected. The remainder, after all deductions, will amount to about seven hundred pounds, which will be placed into the hands of Colonel Beeston and Sir Charles Littleton to whom the Council has entrusted the solicitation of the Island's affairs. The Assembly have also sent an address to the King through your Lordships. The revenue is for seven years,

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though I told the Assembly that they might pass it for six if they would. A perpetual bill I would not suggest, as I could not put them into the train of rejecting my proposals; moreover, I thought that you will certainly send back their laws, and that on receiving them they will themselves offer it. It can never be done otherwise; pressing it is the certain way not to have it. I have told them that such a Bill is not for the King's interest, and I think that you should first see the rental of the quit-rents and consider whether the Kiug should not be often thanked for so great a bounty. The Assembly had divers petitions before it, but deferred them. They were anxious to disperse as the rains were setting in, and I as anxious that they should, for the illness of my head and the swelling of my legs disorder me so much that I have hardly been able to write. *Holograph.* 2 pp. *Endorsed with a long précis.* Recd. 8 Jan. 1682. Read 12 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 79, and Col. Entry Bk., Vol. XXX., pp. 96-98.] *Enclosed,*

745. i. Address from the Assembly to the King, praying him to accept a late and humble tender of their duty. *Signed* 6th October 1682 by Sam. Bernard, Speaker, and Rowland Powell, Clerk. [Col. Entry Bk., Vol. XXX., pp. 99-101.]

Oct. 8. 746. Duplicate of foregoing letter. *Endorsed.* Recd. 29 Dec. [Col. Papers, Vol. XLIX., No. 80.]

Oct. 9. 747. Minutes of Council of Virginia. Somerset Davies, and John Cockin, arrested under order of 30th September, committed to custody. [Col. Entry Bk., Vol. LXXXIV., p. 131.]

Oct. 10. 748. Journal of Council and Assembly of Antigua. The President and Council, on the motion of the Assembly, fixed a day of humiliation and thanksgiving for deliverance from hurricanes. [Col. Papers, Vol. XLIX., No. 81.]

Oct. 13. 749. Edward Randolph to Governor Bradstreet. Proposals relating to disbursements made for the King's service. Having paid money in security for damages previous to prosecuting for the King's service I would propound—(1) whether the exaction of such security were not illegal, there being no law under which it may be levied; (2) whether the Court will obey the King's deliberate order and repay me that money. I am surprised, too, that the moiety of a fine of 10*l.*, due to me as prosecutor in the case of Timothy Armitage, is so long withheld from me by Mr. Russell. *Signed*, Ed. Randolph. *On next page.* To the first proposal they answer nothing. On the second they grant me the moiety of the fine, but say that if I have special Courts I must pay for them. In 1680 I held over one case till the ordinary Court, but was cast and arrested on an action of 800*l.* by the master for demurrage so that I was forced to have the cases tried at once. *Signed*, Ed. Randolph. 1½ pp. *Endorsed.* Copy in Randolph's hand. [Col. Papers, Vol. XLIX., No 82.]

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Oct. 14.

750. Journal of the Assembly of Nevis. Present:—Samuel Gardiner, Speaker, James Walker, John Abbott, John Cocker, John Smargin, Geoffrey Shakerley, William Kitt, Simon Brown, Walter Symonds. Agreed, on the motion of the Speaker, that the negroes be taken off the work at Charles Fort and Pelican Point. Agreed that the charge of the warders for taking up and bringing in runaway negroes be taken off. Proposals as to the allowances to the gentlemen that attend the Governor to Antigua. Agreed that the country present His Excellency with 200,000 lbs. of sugar to be paid in March next. [Col. Papers, Vol. XLIX., No. 83.]

Oct. 16.
Barbados.

751. The Secretary of Barbados to Lords of Trade and Plantations. Transmitting quarterly returns of the transactions of Council. Signed, Edwyn Stede. $\frac{1}{2}$ p. Endorsed. Recd. 12 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 84, and Col. Entry Bk., Vol. VII., p. 182.]

Oct. 20.

752. William Blathwayt to the Attorney-General and the King's Advocate. Captain Billop, to whom the enclosed papers refer, was tried by Admiralty court-martial for the offence of embezzling the cargo of a prize before the depositions respecting it had been sent by Sir William Stapleton. I am now to ask you for your opinion as to what legal prosecution will lie against Captain Billop for this embezzlement. [Col. Entry Bk., Vol. XLVII., p. 60.]

Oct. 20.

753. Deposition of Edward Randolph. That in the prosecution of John Endigot and John Curtis, of Boston, in April 1682, under an Act of Trade, he produced his letters patent as Collector for a warrant, which was disallowed in Court by one of the magistrates, Mr. Nowel. Also, at the trial of the ketch Newbury, his appeal to the King was refused, and his commission under the broad seal not recognized. Sworn before Walter Barefoot and Richard Chamberlain. Additional deposition of 22nd October, that the General Court had refused him reimbursement of the money ordered by the King. $1\frac{1}{2}$ pp. [Col. Papers, Vol. XLIX., No. 84.*]

Oct. 21.

754. Journal of Assembly of Nevis. The proposals of last meeting were sent up to the Governor and Council, who agreed that the negroes should be taken off the fortification when they were finished, and that runaway slaves should be taken to the common gaol, where their masters should pay four pounds of sugar a day for their maintenance, or if taken to their owners the charge to be six shillings a head. The present to His Excellency agreed to. [Col. Papers, Vol. XLIX., No. 83.]

Oct. 21.

755. Articles of high misdemeanour against Richard Waldern and Richard Martyn. (1.) They refused to accept the King's Commission, of September 1679, to John Cutt which was presented by Edward Randolph on 27th December 1679. (2.) At a trial between the King and Mark Haukins they would not recognise

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Edward Randolph's commission from the Commissioners of the Customs, but contrary to plain evidence gave judgment against the King and refused to admit the plea of the general issue. (3.) They also disallowed Edward Randolph's deputation to Walter Barefoot, fined him for doing his duty and imprisoned him pending payment. (4.) They liberated two vessels seized under the Acts of Trade, and Waldern said that if he had been present when the seizure was made he would have imprisoned Randolph's deputies. (5.) Waldern disowned the King's patent to Randolph of 15th October 1681, and released a vessel which he had seized on that ground. *Signed,* Ed. Randolph. *Inscribed in his hand,* "Delivered to the Governor at Piscataqua, 21st October 1682. 1½ pp. Endorsed." Recd. 6 Jan. 1882. Read 17 Aug. 1683. [Col. Papers, Vol. XLIX., No. 85.]

Oct. 23.
Portsmouth
[New Hampshire.]

756. Governor Cranfield to Lords of Trade and Plantations. After six weeks and five days from Plymouth, H.M.S. Lark anchored in Salem Harbour, fifteen leagues to southward of Piscataqua on the 1st October. The wind being foul I went overland and reached Portsmouth on the 3rd at night. Next morning I wrote a letter to Mr. Waldern and the Council who were convened (except Job Clements who is dead), ordering them all to meet me at George Snell's house for transaction of business. (*Copy of the letter is given in full.*) Before my letter was delivered Mr. Waldern sent his son and another to invite me to the house where the greatest part of the Council were met. The whole of them being assembled my commission was read, and I asked any five of them to administer to me the oath of allegiance and supremacy, and the test. At this Mr. Waldern made a pause and said that the Council desired first to be satisfied how and by what method the people were to be governed. I told them that the King had provided for that by commission, and that his first instruction was that any five of them were to swear me; if they refused, I should know what to do. They then complied, though for want of the statute book I could not sign the test till next meeting. My next steps were to proclaim my assumption of government and to suspend Waldern and Martyn. I have not had time to examine matters so as thoroughly to answer your enquiries, but I give the following brief information:—
 1. As to Courts of Judicature. The Council determines all judicial matters, civil, criminal, and appeals. 2. The horse and foot number about four hundred and fifty, of which sixty are horse. Most of the foot are ill-armed and exercised. 3. Fortifications. At the mouth of the Piscataqua, one fort built of timber, eight guns, extraordinarily well situated. Nature has done so much that the mouth of the river could be fortified at small expense. All ships must pass within musket-shot of New Hampshire side, and pistol-shot of Maine side, on which latter is an eminence well suited for a fort. This river well fortified could secure both provinces. Maine, if put under the King's authority, would be valuable. It has the fisheries, abundance of fine harbours and rivers, the best soil in New England and plenty of timber. 4. The neighbours, French and Indians, are considerable both in numbers and strength. The

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French prohibit trade with us. 5. Muskets are the most valuable weapons, but there are not many here, and ammunition is scanty. 6. This province is but seventeen miles broad, and the Piscataqua is the only outlet to the sea ; and to that Massachusetts claims equal rights. None of the Islands of Sholes pay obedience to this government, so we have no fishery. Maine has fisheries and in every way is ten times more considerable than New Hampshire. I had intelligence from Boston that they were alarmed at my coming, thinking that I had brought a *quo warranto* against them, and that Maine was included in my patent. The inclusion of Maine would be of great advantage to the King. *Signed*, Edw. Cranfield. 3½ pp. *Inscribed*. Recd. 6 Jan. 1682. Read 18 June. [Col. Papers, Vol. XLIX., No. 86, and Col. Entry Bk., Vol. LXVII., pp. 72-76.]

Oct. 23.
Jamaica.

757. Sir Thomas Lynch to the Bishop of London. I received yours by some Frenchmen. I have told them that I am obliged to show all duty and respect to your commands, and that they are sure of my good offices, but it is difficult for gentlemen that have neither trades nor money to settle themselves. Artificers can do well enough. Colonel Beeston will give you an account of this, of what encouragement the French can have here, and also details of the state of the Church and ministry. You may be pleased to credit him as Dr. Beeston's brother, and a very ingenious man, to whose skill and zeal we owe the building of our church at Port Royal, the handsomest in America. I have instructed him to wait on you. Your Lordship need not apologise for the chaplains that came with me. My countryman, Mr. Zaragold, basely gave us the slip in London. Mr. Turner, the frigate's chaplain, being of the stamp of the rest of the officers, I did not keep here. Mr. Cooke I left at Madeira with my wife, and expect to come here on her arrival in England. I shall provide for him here as a virtuous, modest, and good man. The books you sent have been delivered to the several parishes, which are very thankful for them. We have only fourteen parishes, which in my time were obliged to give at least 100*l.* a year to a minister ; this is now reduced in many parishes to 80*l.*, though the parishes are much richer than they were. As yet but seven of them are supplied. Mr. Johnson, a Scotchman, is minister of St. Thomas ; he has by law 100*l.* a year, the parish being large ; he preaches alternate Sundays at Morant and Point Morant. The churches in both places are pitiful, though better are preparing. He is an honest man, a reasonable preacher, and indifferent rich. At St. David's is Mr. Bennet, a well-beloved ingenious man, as you know. By law he has but 80*l.* a year, but 20*l.* has been added since I came, though the parish is ruined with droughts this year. He lives with Mrs. Freeman which makes him (as he tells me) easy and of good humour, and I hope your Lordship too. Mr. Longworth is at Port Royal ; he has 250*l.* a year, and, it is said, perquisites worth as much again. The church was first designed in my time, and not yet quite finished though it soon will be, and will be then the best

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English church in America. It is a pity that there is no provision for a curate, for the place requires great pains as well as preaching and exemplary living. The town is big, and being the chief port is always full of merchants and sailors, many of whom are dissenters. Quakers and Independents are the chief sects. They are all very submissive to the civil government and enjoying toleration, are less virulent and more complacent than in England, and may perhaps be won back, by the preaching and virtuous lives of our ministers, to the Church. On the north side of Port Royal harbour lies St. Andrews, where Mr. Cellier, a Swiss, is minister. It is the pleasantest part of the Island, with an ordinary church and a pretty parsonage house. The minister has 100*l.* a year, he is an honest man and well beloved. Colonel Beeston can tell you about him. At St. Jago de la Vega the minister is also a Swiss, Mr. Howsyer (? Housier), he has 140*l.* a year by law, and, since I came, 150*l.* He is a reasonable preacher, a good liver, well esteemed and very rich. The church is a Spanish church, and the parsonage good. The parish is called St. Catherine's. St. John's parish, or Guanaboa, is supplied by Mr. Lemon, who has 100*l.* a year by law. He had some advantages by a school built by Colonel Cope, but on the failure of that and his marriage with a poor gentleman's widow he has been a little uneasy. However, since I came he has sold some land I gave him for 500*l.*, so that he is in a reasonably good condition. For all I have heard, he is a very honest, sober, fair-conditioned man, and esteemed the best preacher in the Islands. I think he has a parsonage, but the church is decayed and he preaches in the school-house. At St. Thomas-in-the-Vale they are designing a handsome church, and another at St. Dorothy's, but neither have ministers nor do they much press for any as yet, for these two parishes are taken out of St. Catherine's, and they fear the taxes may rise too high. They will be more able shortly and then I doubt not that they will incur so necessary an expense. In Clarendon is Mr. Towers, whom your Lordship best knows. He has 80*l.* a year by law, but the vestry has made it 100*l.*, and advanced 50*l.* for his encouragement. He is in a good house and family, where he has all convenience for nothing and 30*l.* a year, so that I fancy he ought to be pleased and easy, if any minister can be so in Jamaica. They are designing to build a church and I hope a parsonage house, though he needs it not. The next parish is Vere where there is an ordinary church, one of the first, a parsonage house and 80*l.* a year. The gentlemen of this parish have asked for Mr. Cooke (who is with my wife) when he comes, and I have promised it provided that he lives with one of them and that his salary is raised to 100*l.* St. Mary's and St. Anne's may speedily need ministers for they grow rich there, and glebe lands are laid out by my order. St. George's and St. James's are poor and so thin of people that I cannot yet judge when they will be fit for a minister. St. Elizabeth has a regiment of men in it, but the planters are forced to settle at a great distance because the land and convenience lies so. It is impossible to place a church and a minister to serve all, and the expense cannot be borne by a

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few. When they grow a little richer and more numerous there must be two or three churches at least, for this parish is not much less than Yorkshire. In fine all the parishes must be divided again. The planters' estates I hope will bear it and their piety desires it. I know you foresee this and would provide for it betimes, it being easier to guide men into good methods when they have none than to seduce them from wrong methods. My duty is to keep you informed of this infant church, but this would be better done by a minister or two, were such sober and learned men sent over. A Governor may be overcharged with other business, or negligent, or irreligious. If some cure or prebendship were set apart, it would encourage the needed men to come. You could prevail with their Lordships to establish a permanent system of church government. The want of such a system of civil government has led to seven years of disputes. I believe that in time we may have thrice as many parishes and six times as many people, for this is the most populous and prosperous colony in America except New England. 5 pp. *Holograph copy by Sir T. Lynch, unsigned.* [Col. Papers, Vol. XLIX., No. 87.]

Oct. 26.

St. Jago de la
Vega.

758. Minutes of Council of Jamaica. Captain William Bragg approved as security for Thomas Martin, the Receiver-General. Order for payment of 125*l.* to Lord Carlisle for salary to 2nd September 1681; of 125*l.* to Sir Francis Watson in full discharge of money due to him as Major-General to 14th May 1682; of 6*4l.* to Robert Byndloss for his salary as Chief Justice; of 8*l.* to Samuel Long. Sir Henry Morgan demanded 533*l.* 6*s.* 8*d.* for arrears of salary. He was answered that he had money of the King's in his hands taken from the pirates in the South Sea, for which he produced a sworn account (*copy inserted*). The Governor announced that he was forced by the necessity of suppressing privateers to order Captain Charles Morgan to furnish certain stores to Captain Johnson, who was employed in that service. Military establishment for the forts at Port Royal settled. George Bayly appointed to inspect materials for fortifications. [Col. Entry Bk., Vol. XXXVI., pp. 10-12]

Oct. 26.

St. Jago de la
Vega.

759. Extract from the Minutes of the Council of Jamaica, showing the expense of the military establishment. Five captains of forts and four gunners at a total cost of 328*l.* per annum. Order for George Bayly to be superintendent of material for repair of forts on a salary of two shillings and sixpence a day. 1*½* pp. [Col. Papers, Vol. XLIX., No. 88.]

Oct. 28.

760. Journal of Lords of Trade and Plantations. Secretary Jenkins reporting that there is nothing in the Act for the better resettlement of St. Christophers inconsistent with the Treaty of Breda, the Lords agree to recommend it for confirmation. Sir William Stapleton's letter of 16th August (see No. 654) read. Agreed to recommend that a man-of-war be sent to the Leeward Islands.

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The Acts of Jamaica passed by Sir Henry Morgan considered. The Lords notice that one of the objections of the Assembly against the Act for a public impost is the little care that has been taken for the reparation of the forts, on which the 600*l.* allowed for the purpose had never been spent. Agreed to recommend that the several Governors be required to account for this sum. The Jamaican Act of Revenue considered. The Lords object to it (1) because the other laws are tacked to it; (2) that it is provided that if any of the laws so tacked be altered or diminished the Revenue Act shall be void; (3) the Assembly tries to force the confirmation of the Act under the Great Seal instead of the Seal of Council; (4) the effort to oblige the King to confirm all the other laws to perpetuity is unjustifiable; (5) the clause providing for an annual meeting of the Assembly is an encroachment on the prerogative. Agreed to report that the King disallow this proceeding in reference to the calling of Assemblies and the passing, confirming, and disallowance of laws. The Act declaring the laws of England to be in force is also prejudicial to the King. Agreed therefore to recommend its disallowance together with that of all the other Acts mentioned, but first to receive the opinion of the Commissioners of the Treasury respecting the Revenue Act. Copy of the Act sent to the Treasury accordingly. [Col. Entry Bk., Vol. CVII., pp. 66-70.]

Oct. 28.
Council
Chamber.

761. William Blathwayt to Henry Guy. The Lords of Trade and Plantations do not think the enclosed Act for raising a public impost in Jamaica to be fit for the Royal Assent, but are unwilling to make any recommendation as to the King's revenue without the opinion of the Lords of the Treasury, to which end I send you the Act. [Col. Entry Bk., Vol. XXX., p. 75.]

Oct. 30.

762. The Attorney-General and King's Advocate to Lords of Trade and Plantations. We find that the ship Providence was condemned in the Admiralty Court of Nevis by Vice-Admiral Sir William Stapleton, and that the Vice-Admiral made complaint of embezzlement, which appears established by the report of the Commissioners appointed by him to inquire into it. Captain Billop was, however, acquitted of the charge by a court-martial held on 30th August. We are of opinion that, as the Admiralty Court is empowered to hear such causes, the proceedings of the court-martial should be set aside, and that orders should be given to the Admiralty Court at Nevis to prosecute Captain Billop. We think, too, that the court-martial should have given us notice before proceeding to trial. Signed, R. Sawyer, Tho. Exton. [Col. Entry Bk., Vol. XLVII., pp. 61, 62.]

Oct. 31.

763. Journal of Lords of Trade and Plantations. The Lords notice the delay in passing Lord Culpeper's commission, and refer the question of fees to the Attorney-General.

The report of the Law Officers respecting Captain Billop read (see No. 762). [Col. Entry Bk., Vol. CVII., pp. 70-72.]

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Oct. 31.
Council
Chamber.

764. William Blathwayt to the Attorney-General. Lord Culpeper's Commission has not been passed, through want of payment of the fees; and it is believed that for the same reason there has been great delay at the Crown Office in passing a Commission for swearing the Company of Merchant Adventurers at Hamburgh. I am to ask you to certify whether such fees can of right be demanded. [Col. Entry Bk., Vol. LXXXII., p. 90.]

Oct. 31.

765. Minutes of Council of Barbados. Samuel Hanson was brought up in custody to answer for his conduct in divulging a letter to the Governor from John Cressett, and remanded to custody till he find security for good behaviour. The Assembly desired a conference as to the separated Bills concerning negroes. [Col. Entry Bk., Vol. XI., pp. 555-557.]

Oct. 31.

766. Journal of Assembly of Barbados. The Council returned the Bill for the better governing of negroes with amendments. Amendments rejected, and a Committee of five appointed to confer with a Committee of the Council. Adjourned to 12th December. [Col. Entry Bk., Vol. XIII., pp. 503, 504.]

Nov. 1.
Council
Chamber.

767. William Blathwayt to Sir Leoline Jenkins. The Lords of Trade and Plantations have learned that Lord Culpeper's Commission has not been despatched, presumably for want of payment of fees. I am to ask the Attorney-General to certify you whether fees are legally due in cases so nearly concerning the King's service, and to request that you will cause the Commission to be passed and sent forthwith to Virginia, as the last ships are about to sail. *Holograph.* 1½ pp. *Endorsed.* [Col. Papers, Vol. XLIX., No. 89.]

Nov. 3.
Whitehall.

768. Order of the King in Council. Referring the petition of sundry merchants possessing estates in America to Lords of Trade and Plantations for report. *Signed,* Francis Gwyn. 1 p. *Endorsed.* Recd. 7 November 1682. *Annexed,*

768. 1. The petition referred to. Several persons have been prosecuted in the Crown Office and others threatened for sending servants to the Colonies, though the servants were proved in the office erected for the purpose to go voluntarily. Some persons have also been heavily fined. The result is that no one dares send servants to the Colonies, which is a great misfortune to the trade of the Colonies, for they have no white men to superintend their negroes, or to repress an insurrection of negroes, or to repel an invasion of the French. We beg that we may be protected by regulation against such practices. *Forty-one signatures.* Additional considerations in reference to the above. The prosecutions have frightened all masters of vessels. The lack of white servants will not only endanger the Colonies, but make it impossible for the planters to comply with the Militia Laws. The

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King's customs will suffer, for it is reckoned that every white man's work at tobacco for a year is worth 7*l.* to the King. The French encourage the transportation of servants. The generality of volunteers for transportation are the scum of the world, brought to volunteer by their own prodigality; if they do not go to the Colonies they will probably go to Tyburn. The danger of impressment or kidnapping can be provided for. *The whole, 3½ pp. [Col. Papers, Vol. XLIX., No. 90, and Col. Entry Bk., Vol. XCVII., p. 87.]*

Nov. 6.
Jamaica.

769. Sir Thomas Lynch to Secretary Sir Leoline Jenkins. On 20th ultimo I received at Port Royal the Royal Order of 7th May, and yours of 14th July respecting the ship La Trompeuse, and the Captain La Paine who ran away with her and her cargo from Cayenne. I at once sent a special order to St. Jago to seize and imprison La Paine, but can hear of no accomplices, for most of his company opposed him, and the few that consented are dispersed, for the affair happened seven or eight months' ago. Mr. Charles Barré has the procuration from the concerned (*sic*), and I have shown him your letter and the order and promised him all assistance. Three days ago, when Barré was with me, I sent for La Paine with his keeper and asked him where were the twenty-five thousand crowns mentioned in the Ambassador's memorial. He says that the sum is a false estimate, for he brought here nothing but twelve thousand pounds of sugar of divers sorts valued here at 1,400*l.*, 200*l.* or 300*l.* in achiotte, and some sixteen pipes of Fayal wine of which he cheated the poor French Consul. The wines and achiotte he sold himself, and the sugar he delivered to one Captain Hoskins, who did all Sir Henry Morgan's business. This Hoskins died about a month since, so I sent for his administrator to get an account of this sugar, and have charged Barré to send it in writing to the concerned; as I remember he told me that Hoskins had received about 120,000 lbs. of sugar and being unable to sell it here had shipped it by La Paine's order to England. He has paid La Paine about 1,200*l.* which is charged on the master to whom the sugar was consigned, so that if no accident happen it is not like to produce above 300*l.* over this 1,200*l.* and for this the master must account at his return, which may be in February. There is as much as this due for Customs, since La Paine has not settled according to law, but I shall not claim it for I shall not add to the loss of those concerned. I have advised Barré to get all he can into his hands, and then we can proceed against La Paine for his barratry. But, as you say, it must be by our law, for he is naturalised; otherwise he would deserve to be hanged without form, for having stolen all this and spent it no one knows how. It was a fatal mistake (to use no harder term) to give this villain product here. Apart from the dishonour and trouble, the traders have lost twelve or fifteen thousand pounds by it; for this Trompeuse was sent to the bay of Honduras to load logwood and designed thence for Hamburg, but as I have told you was surprised by some Frenchmen

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who have set up for pirates in her, taken seven or eight of our vessels, barbarously used our men, put a full-stop to our trade, and compelled the men-of-war to set out. A sloop came in yesterday from Antigua and Tobago that was captured by her and robbed of all, so that the men were perishing when they met Johnson off Tiburon. I hope that Johnson may come up with the pirate in a few days. There are a hundred and twenty desperate rogues on board her, twenty or thirty of them English. The ship is in bad condition and ready to sink, for they cannot get victuals to enable them to go and careen. They talk of going to Mona to intercept Irish and New England vessels on their way here. I ordered Johnson specially to preserve the ship as the French King's property, but if he engages her in her present condition it will be impossible. Pursuant to the King's orders I have complained to Mons. Pounçay, the French Governor of Hispaniola, of the unjust seizures made by his deputy, particularly in the case of one Lenham, who only touched at Petit Guavos to deliver a letter from Mons. Barré, and of the piracies daily committed by the French. I have asked him to let me know if he grants commissions of war, that such may be respected and all other privateers punished like thieves and robbers, particularly one Picard in a brigantine, Pennon in a Spanish barque, and Guernsey in La Trompeuse. I have told him that I have sent men-of-war to capture them, and that I am sure not one of them can escape unless concealed in some part of his government. You would do the King a service and the West Indies also if you could ascertain whether this Governor has any authority or directions to issue commissions of war, and if he has caused him to be instructed to distinguish between us and the Spaniards, but if he has not, authorise me to treat those that hold them as pirates. There are seven or eight of these rogues in pretty considerable vessels, some of them commanded by English; but I do not them so much fear as offending our lords, and bringing the power of France against this Island. We have plenty of trade and abundance of brave seamen. Thus we were able in eight or ten days to fit up and send off with Captain George Johnson a ship of thirty-five or forty guns and a hundred and eighty men. Johnson has 100*l.* for his ship, and the provisions cost 500*l.* or 600*l.*, all of which has been raised by merchants and traders here. They have special orders to seek out the Trompeuse but to meddle with no Frenchmen that bear commissions, except those that have taken and robbed our vessels and killed our men. While busy at Port Royal over the despatch of this vessel one Captain Clarke, a very honest useful man, solicited me about one Payn, in a barque with eighty men. He told me Payn had never done the least harm to any, and that if I would allow him to come in he would engage to bring in or destroy these pirates. I thought this likely and advantageous from creating divisions among the pirates, so I accepted the offer and hope *per fas aut nefas* to put down these destructive rogues. Three days ago one Kempthorn returning in one of our trading vessels from the Main reported that the Dutch have two thousand negroes which they have kept seven or eight

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months for the Spaniards, and have embargoed a Spanish vessel of thirty-five guns; but that negroes, Spaniards, and Islanders at Curaçoa are all ready to starve from scarcity and drought. They will not sell their negroes and despair of the Spaniards sending for them, for it is concluded that the Assiento in Spain is broken, and this is the reason why the Governors of Panama and Havana sent hither for them. Kempthorn also says that an interloper, one Head, was wrecked on St. Danes a little to westward of Curaçoa; that he had brought two hundred and fifty negroes from Africa, and lost all but fifty when he was wrecked. He was intending for Curaçoa with his gold and negroes where he will certainly be seized and lose all, but I shall send thither by first opportunity to demand both gold and negroes.

Yesterday arrived one Mr. Dendy, in a vessel that went from Antigua, to settle in Tobago. He found most of the people dead and gone, the island dry and unfit for planting, the Courlandish Governor sottish and arbitrary. This last took four negroes from him by force, and intends, as this man says, to go to St. Thomas, a Danish island, commanded by Captain Esmitt. Thus fortune has done for us what we should for ourselves; for their settlements, especially under strong princes, may be extremely prejudicial to us. I have already pointed out to you the danger that might follow from the granting of Commissions of War by the Governor of New Providence. From a vessel that came in last week I learn that Governor Clarke is removed and one Lilborn put in his place, but I could not find out whether he means to continue the rapine or not. I hope that you will make known your wishes to the Lords Proprietors of the Bahamas on this head. This fishing for wrecks draws all kinds of dissolute fellows to Providence. The Indies, in fact, are full of desperate rogues. The worst are those who run from the ships that come from England. Recently I sent Captain John Coxon and two other vessels to the Bay of Honduras to bring away our logwood-cutters. So far from doing so he was in danger of losing his ship and his life. His men plotted to take the ship and go privateering, but he valiantly resisted, killed one or two with his own hand, forced eleven overboard, and brought three here, who were condemned last Friday. I shall order one or two to be hanged for an example to others and encouragement to him. I am hiring him to convey a Spaniard to Havana. The want of a frigate here has made pirates to increase in number and impudence. I am much troubled, and the island in great danger. We have no public money or are like to have any, and it is impossible to oblige individuals to make such an effort [as our last in search of the Trompeuse] again. Indeed, we could not have done so much except at this moment, when every one is anxious to do the King service. I have issued commissions to all the military officers. I delayed the issue till the business of the Assembly, meaning to withhold them from any that might have been disrespectful or refractory, however efficient. However, thank Heaven, there was not one. Next week I shall order the Colonels to furnish their muster-rolls.

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The Point regiment paraded seven hundred strong last week, although eighty men were away with Payer, and a hundred and sixty with Johnson. Moreover, our trading vessels are of from forty-five to fifty tons, six to eight guns, and fifteen to twenty-five men. You may guess, therefore, how strong Port Royal is in seamen. *Signed, Tho. Lynch. 10 pp. Endorsed with long précis.* Read, 14 Feb. 1682-83. [Col. Papers, Vol. XLIX., No. 91, and Col. Entry Bk., Vol. XXX., pp. 106-115.]

[Nov.]

770. "The English title to Canada, in return to the French pretences to the lands and territories about Hudson's Bay set up in a memorial lately delivered here by the French Ambassador." Sebastian Cabot, being Pilot Major to King Henry VII., was the first that entered the Gulf of St. Lawrence as first possessor for the Crown of England. In 1600 some Frenchmen seized on the tract of land north of the Canada river, and in 1604 added the land on the south side. They held it till 1621, when King James granted the tract, called in consequence Nova Scotia, to Sir William Alexander. He held it for two years, and it was then restored at the marriage of Queen Henrietta Maria. In 1627-28 war broke out, and Sir David Kirke, and his brethren Lewis and John, fitted out an expedition and took Quebec on the north side, and the three principal towns on the south side of the Canada river. Being possessed thus of the whole country, they made over Nova Scotia to Sir W. Alexander, and kept the north side for themselves. In 1632 the whole country was again restored to France, but an article was agreed on in favour of the Kirkes, that they should receive 5,000*l.* from Mons. du Cane, who was to take over the territory for the French King. The money, however, was never paid, and shortly after one of Kirke's ships, trading in Canada, was certificated by the French. In 1654 Cromwell, to remedy the injustice, sent out Major Sedgwick, who recovered Nova Scotia once more, which, however, was surrendered again to the French at the peace of 1667. But the north side of the river, which belonged to the Kirkes, was not mentioned in the treaty, and the Kirkes have, therefore, a perpetual right thereto. 5 pp. *Endorsed as headed.* [Col. Papers, Vol. XLIX., No. 92.]

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771. Journal of Lords of Trade and Plantations. The laws of Jamaica further considered. The draft of Lord Carlisle's Revenue Act read, and the instructions to Sir Henry Morgan and Lord Carlisle. The Lords are confirmed in their opinion that the present Revenue Act should be disallowed and that an Assembly should at once be called, to which the Governors shall submit the draft of an Act sent to Sir Henry Morgan, intimating at the same time that the King will suffer no Acts to be tacked. Letters to be written to the Governor, one containing private instructions, the other to be shown to the Assembly. The Assembly is to be acquainted that the King will suffer no obligations to be imposed on him in Jamaica or any other colony, that he desires the Revenue Act to be passed from consideration for the Colony's security only; that if they

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refuse to pass a Revenue Act the Assembly is to be warned that the laws of England empower the King to levy tonnage and poundage. The reasons urged in Order in Council of 28th May 1679 to be revived, to which the Governor is to receive no reply that may tend to delay public business. Finally, the Assembly is to be told that if they pass the Revenue Bill as the King orders, the King will confirm for the same term the laws sent to them and such other laws as they shall pass. [Col. Entry Bk., Vol. CVII., pp. 73-76.]

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772. Order of the King in Council. Confirming the Act of St. Christophers for re settlement of the English part of the Island. [Col. Entry Bk., Vol. LI., pp. 47-58.]

Nov. 10.
Whitehall.

773. The King to Sir Richard Dutton. Granting him leave of absence to come home for a reasonable time to recover his health. John Witham to administer the Government in his absence. Signed, L. Jenkins. Copy. 1 p. Endorsed. [Col. Papers, Vol. XLIX., No. 93, and Col. Entry Bks., Vol. VII., p. 140, and Vol. XCIX., p. 182.]

[Nov. 10.]

774. Opinion of the Attorney-General on the foregoing. I think that this is sufficient as to the allowance of a deputy who may act during the Governor's life, but in case of the Governor's death the power of the deputy will determine and the government will devolve upon the Council, which cannot be prevented but by other letters patent directing otherwise. Signed, R. Sawyer. $\frac{1}{4}$ p. [Col. Entry Bk., Vol. VII., p. 141.]

Nov. 10.
James City.

775. Acts passed at a General Assembly of Virginia held at James City, 10th November 1682.

1. An Act to repeal a former law making Indians and others free. 2 pp.
2. An Act declaring Indian women servants titheable. $\frac{1}{2}$ p.
3. An additional Act for the better preventing insurrections of negroes. 1 p.
4. Act prohibiting the exportation of iron, wool, woolfells, skins, hides or leather. 5 pp.
5. Act directing how Commissions of *Dedimus potestatem* and other writs shall issue. 1 p.
6. Act repealing the Act concerning Attorneys, No. 6 of 1680. $\frac{1}{4}$ p.
7. Act for disbanding of the present soldiers in garrison and for raising other forces in their stead. $3\frac{1}{2}$ pp.
8. Act to impose further penalties on those who declare that the Acts of Assembly of Virginia are not in force. 1 p.
9. Act repealing an exception in Act No. 9 of 1664. $\frac{1}{2}$ p.
10. Act to free witnesses from arrests. $\frac{1}{2}$ p.
11. Act to encourage the manufacture of woollen and linen cloth. 3 pp

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12. Act to advance manufactures of the growth of the country and for the better and more speedy payment of debts and levies. $\frac{2}{2}$ pp.

13. Act for the public levy. $\frac{1}{2}$ p.

Copy. Certified by Tho. Milner, Cl. Assembly. Inscribed, Reed. 28 April 1682, without any letter. [Col. Papers, Vol. XLIX., No. 94.]

- Nov. 11. 776. Minutes of Council of Virginia. Order for the re-arrest of Robert Beverley, now at large, in view of the expected arrival of Lord Culpeper. [Col. Entry Bk., Vol. LXXXIV., pp. 132-133.]

- Nov. 11. 777. Sir William Stapleton to Lords of Trade and Plantations. Nevis. The enclosed correspondence will show what a bad neighbour is the Governor of St. Thomas. I had in any case intended to forewarn the King not to grant the King of Denmark any toleration of settling any other of the Virgin or Caribbee Islands, for his Governor pretends to them all, notwithstanding his inability to settle even the twentieth part of St. Thomas. He has but a hundred men there, and most of them English subjects. My reason in offering this is the protection of our merchants. They have no place to get timber from but the Virgin Islands, nor a single harbour to leeward. They suffer alike from Dutch and Danes, from fugitive servants black and white, and from seamen and other debtors, who run away to these Islands and are never restored, on the ground that the freedom of their ports protects all. By what law I am to proceed unless by that of the Turks and Algerines I know not; but it goes to my heart to see my fellow-subjects unredressed in such a case. I would rather be out of employment in a private capacity than in a public one in such circumstances. I could easily deal with them if I might. And it is not only English subjects, but English trade and the King's customs that suffer from these Danes. *Holograph. Signed.* $1\frac{1}{2}$ pp. *Endorsed.* Reed. 20 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 95, and Col. Entry Bk., Vol. XLVII., pp. 76, 77.] *Annexed,*

- Oct. 7. 777. i. Sir William Stapleton to the Governor of St. Thomas. The bearer, Mr. Thomas Biss, goes to you to ask the restoration of a sloop brought in to St. Thomas by pirates, and also of the prisoners taken by these villains. He will give the names of the owners and other particulars, and I doubt not your just restitution of the ship. Dated, Nevis, Oct. 7, 1682. *Addressed, "For the Honourable Governor Esmit in St. Thomas Island."* *Endorsed.* Reed. Jan. 20, 1682-83.

777. ii. Reply of the Governor of St. Thomas to Governor Stapleton. Dated Christiansport, 30th October. Refusing restitution of the sloop as contrary to law and custom. *Holograph. Signed, Esmit.* $2\frac{1}{2}$ pp. *Danish.*

777. iii. Deposition of Thomas Biss. On arriving at St. Thomas I repaired to the Governor with Sir William Stapleton's

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letter, and asked restitution of the sloop. He answered that he could not do so until he had reported the matter to the King of Denmark and received his orders. I protested, that in so small a matter he might surely act independently, pressed him hard, and told him that if our King could not get justice from the King of Denmark he would issue letters of reprisal to his subjects. The Governor then invented excuses. He would say first that the sloop was picked up derelict at sea, then that she was taken from privateers by other privateers, and that on coming in they showed a certificate from the Governor of Anguilla, were allowed to wood and water, and after fourteen days' stay were free to sail again. As they did not go, however, the Governor finding that they were selling goods for much below their value, made enquiry, and finding no commission or papers among them he adjudged two to die as pirates, and the rest to be condemned but respite. The latter after respite retired from the Island, and so the sloop became forfeit to the King of Denmark. I asked for the names of the people who brought in the sloop to the port, and found them to be those of which I had been advised. I then pointed out to the Governor that he ought now to be convinced that the privateers had not taken this sloop as a derelict, nor from other privateers, but from honest men engaged in lawful business, and produced evidence to prove it; but all that I could obtain was that if I chose to pay the value of the sloop I might have her. I also demanded the delivery of seven runaway servants, English subjects; but he answered that his port was a free port, and that anyone who asked him for protection should have it. "Sir," I answered, "if your port is free why did you seize the sloop? If some rogues have freedom here, why not all?" Subscribed, "Sworn before me the tenth of No. 1682. Wm. Stapleton." $3\frac{1}{2}$ pp. Endorsed, with a long précis. Reed. 20 Jan. 1682-83.

777. IV. Sir William Stapleton to the Governor of St. Thomas. I have received your letter, and must tell you that when you say my demand is contrary to law and reason you understand neither law nor reason. You contradict yourself strangely, for you say that they showed you a let-pass from Anguilla. Therefore some English were in her. She was brought in by one George Strandly, master of the Africa sloop, and he, I am sure, is an Englishman, as well as the seamen in her; and this is more than an English boy, as you say. The proof brought by Mr. Biss, backed by my letter, would suffice for any one that was a friend to the King my master; but no proof is valid to a covetous inclination. I shall trouble you for the present no further with demands, but I assure you it will be law and reason in all men to think

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you as bad as the man who captured the sloop and brought her in. And as you dabble in Latin, I must hint to you an old action of yours, for you were formerly a privateer. "Quo semel est imbuta recens servabit odorem Testa diu." *Signed*, W. Stapleton. $1\frac{1}{2}$ pp
Endorsed. Recd. 20 Jan. 1682-83. [Col. Papers, Vol. XLIX., Nos. 95 i.-iv.]

Nov. 11. **778.** Journal of Lords of Trade and Plantations. Acts of Jamaica considered. Acts for fixing the numbers of the Assembly, for regulating servants, for fixing the prices of meat, for highways, against blasphemy and disorders in taverns, for fixing jurisdiction of justices of the peace, for a rate on liquors, and for compensation of Nicholas Scarlet, approved on condition that the Revenue Act be passed. Act for suppressing privateers approved unconditionally. The Attorney-General to advise whether, in case the Assembly refuse to continue the Revenue Act, the Governor may by his own authority receive the money for taxation upon wine licenses or refuse to grant such licenses. Lord Finch reported that the loss of the Norwich frigate at Jamaica was due to her carrying merchandise contrary to orders, and that captains sometimes excuse themselves by saying that they take such goods on board by the Governor's order. The Lords agree to recommend that an order prohibiting the practice be sent to the Governors. (*Mem.*—This order was issued accordingly on 15th November.) [Col. Entry Bk., Vol. CVII., pp. 76-78.]

Nov. 12. **779.** [Sir Thomas Lynch?] to William Blathwayt. I have just sent away two packets by way of London and Bristol. You have Wilson's accounts; pray send them to the Lords of the Treasury or Commissioners of Customs. I have only to add further that advice has just come of a pirate of sixteen guns and ninety men waiting off Point Negril to take the Spaniards returning to Havana. Pray let my Lords know this for we shall be totally destroyed by these rogues if they send no frigate and give no instructions. *Draft*. On back of Wilson's letter of 1st October (see ante, No. 732.) [Col. Papers, Vol. XLIX., No. 62.]

Nov. 13. **780.** The Clerk of the Assembly of Nevis to Lords of Trade and Plantations. Forwarding quarterly returns of Assembly's proceedings from 14th April to 6th July. *Signed* Tho. Thorne. $\frac{1}{4}$ p. [Col. Papers, Vol. XLVIII., No. 79, and Col. Entry Bk., Vol. XLVII., p. 101.]

Nov. 13. **781.** Edward Randolph to Sir Leoline Jenkins. I have sent Mr. Blathwayt my affidavit, taken in New Hampshire (see No. 753). Doubtless the agents will endeavour to avoid or deny my objections against these arbitrary proceedings. If my single testimony be not sufficient I am ready to attend at Whitehall. Here they please themselves with the character which they say Lord Culpeper gave of them to the King. It is true that there

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are many loyal good men in the Colony who if in power would cheerfully submit to the King's laws, but they are borne down in the Court of Deputies. Let the agents say what they will, very few honest men can be admitted into places of trust if the matter be left to the ordering of the dominant faction. If the agents offer any defence to my Articles of 7th April 1681, I beg your order to examine witnesses here in proof of them. In my petition to the King of that date I complain of the withholding of the moiety of a fine to the King. It has since been paid to me, under conditions. I have made several seizures this year, but have been cast by juries in very clear cases. The cheering of Lord Shaftesbury at the Old Bailey encourages them to such behaviour. Thus my duty is very costly to me. Who would suppose that while their agents are accounting for former contempts the people here still refuse appeals to the King in Council from the Courts, and that this very day they have served me with an execution for over a hundred pounds to deliver up a seized sloop, as to which I have appealed to the King. Moreover, they refuse to reimburse me the money ordered by the King, and refuse to suppress their naval office though disapproved by the Governor. *Holograph.* 1½ pp.
Endorsed. *Annexed,*

781. I. Order to Treasurer Russell for payment to Edward Randolph the King's moiety of the fine imposed on Timothy Armitage, taking his bond for repayment of the same. *Signed*, Edward Rawson, Boston, 10th November 1682. *Copy.* ½ p. [Col. Papers, Vol. XLIX., Nos. 96, 96 1.]

[Nov. 13.] 782. *Précis* of complaints submitted by Edward Randolph in his letters of 7th August and 13th November [called by error 12th November], (see *ante*, Nos. 645, 731). 2½ pp. *Endorsed.* [Col. Papers, Vol. XLIX., No. 97.]

[Nov. 13.] 783. Draft of the foregoing, with corrections. [Col. Papers, Vol. XLIX., No. 98.]

Nov. 14. 784. William Blathwayt to William Freeman, Colonel Bayer, and others concerned, in the Leeward Islands. The Lords of Trade and Plantations desire your opinion on the enclosed Acts of Antigua for extending of lands for mulcts and debts. [Col. Entry Bk., Vol. XLVII., p. 66.]

Nov. 14. 785. Acts of New Hampshire passed by the Assembly convened at Portsmouth, 14th November 1682. 1. Act for encouragement of the Ministry. 2. Act against profanation of the Lords' Day. 3. Act against contempt of the word and the Ministry. 4. Act against cursing and swearing. 5. Act against drunkenness. 6. Act against lying. 7. Act for administration of justice. 8. Act to make fines, &c., payable to the King. 9. Act for regulation of jurymen and Assembly men. 10. Act to empower trustees to defray charges. 11. Act empowering constables to collect rates. 12. Act

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to confirm former judgments. 13. Act against burglary. 14. Act against felony. 15. Act against stealing. 16. Act against adultery. 17. Act against fornication. 18. Act against removing landmarks. 19. Act against burning of fences. 20. Act for infliction of corporal punishment where the offender is indigent. 21. Act empowering justices of the peace to try small cases. *The foregoing Acts are each comprehended in a single clause.* $4\frac{1}{2}$ pp. *Endorsed.* Recd. 13 Feb. 1682-83. [Col. Papers, Vol. XLIX., No. 99.]

Nov. 14.

786. Another copy of part of the foregoing, but in different order:—1. Administration of justice. 2. Adultery. 3. Fornication. 4. Burglary. 5. Theft. 6. Swearing. 7. Swearing. 8. Drunkenness. 9. Lying and profanation of Sabbath. 10. Against speaking contemptuously of the Scriptures. 11. Burning of fences. 12 Landmarks. 13. Corporal punishment. 14. Collection of rates and duties of constables. 15. Jurors. 16. Rates. 17. Summons and attachments. 4 pp. *Sealed and signed,* Edw. Cranfield. [Col. Papers, Vol. XLIX., No. 100.]

Nov. 14.

787. Duplicate of foregoing. *Signed and sealed.* *Endorsed.* Recd. 10 May [1683]. [Col. Papers, Vol. XLIX., No. 101.]

Nov. 14.

788. Another copy expanding the laws to twenty-five clauses. Certified by Richard Chamberlain as a true copy. 3 March 1682-83. *Endorsed.* Recd. from Mr. Randolph, 4 June 1683. 8 pp. [Col. Papers, Vol. XLIX., No. 102.]

Nov. 15.
Whitehall.

789. The King to Sir Richard Dutton. Orders not to permit Captains of the King's ships to take merchandise on board. In case of any misdemeanours on the part of officers of the Royal Navy no court-martial is to be called, but depositions are to be taken and sent to England for their trial there. *Countersigned,* L. Jenkins. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. VII., pp. 184, 185.]

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790. Journal of Assembly of Nevis. His Excellency brought forward the proposals of the Lords of Trade and Plantations made in their letter of 5th March (*see ante*, No. 429):—(1) To make the impost on liquors perpetual; (2) to change the style of enacting laws; (3) to apply fines to the expenses of the Government; and (4) to stir up the Councils of the islands to write a quarterly account of the Government. His Excellency further proposed that (5) no one shall transport any of the King's subjects to a foreign Colony under penalties; (6) no servants, slaves, or utensils for the manufacture of the Island's produce shall be sold to foreigners under penalties, without the Governor's leave; (7) the records of any Island duly authenticated to be of force in every island of the group; (8) a salary shall be allowed for an agent at home; (9) an Act shall be passed for commutation of the four-and-a-half per cent. duty into an equivalent; (10) all conveyances, mortgages, &c.,

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shall be recorded within fifteen days ; (11) the four-and-a-half per cent. duty shall be commuted as aforesaid, or an address sent to the King to allow the islands to take over the-farm ; (12) provision shall be made to pay the cost of transporting men to and from any of the islands that shall be first attacked ; (13) the Act for ascertaining lands shall be extended to all the islands *mutatis mutandis* ; (14) that the King be called upon to give further help towards building the forts ; (15) if no King's frigate comes here the country shall hire a vessel for the transportation of Sir William Stapleton with the eight sloops for the suppression of the Indians, the cost to be distributed as follows : Nevis and Antigua to bear each one third, St. Christophers and Montserrat each one sixth.—The answers to those proposals (1) We pray that no change may be made ; (2) consented to ; (3) that it be for the King to be employed on his fortifications ; (4) We consent. The Council also will write as often as it meets ; (5) that an exception may be made to allow the French who are reckoned English subjects in the English quarters of St. Christophers to be transported ; (6, 7, 8) the Council and Assembly agree ; (9) the Assembly refer to their answer given at the last General Assembly, the Council likewise ; (10) the Council and Assembly consent ; (11) We pray that no change may be made ; (12) The Council consents. The Assembly does not comprehend how to effect so difficult a matter ; (13) the Council and Assembly consent, provided Antigua be excepted ; (14) the Council and Assembly ask that this be left to each Island according to its ability ; (15) consented to, provided the General go himself ; the Council concurs. The Council in answer to another proposal agree with the Governor that a certain gauge of casks should be fixed ; the Assembly would have no change. [Col. Papers, Vol. XLIX., No. 83.]

[Nov. 15.] **791.** Sir Richard Dutton to Lords of Trade and Plantations. I have received yours of 22nd May, with copy of a petition to the King from Samuel Hanson (*see ante*, No. 469 i.) complaining of hardship and injustice suffered from me. I send the report and all the documents required of me herewith. The petition is a tissue of errors and untruths which can only be wilful. The trial was held according to the usual forms, or with only such slight deviations as circumstances compelled. But I will follow the story of the petition paragraph by paragraph with my own. (1.) On my arrival in the Island I found Hanson and John Burston under heavy bail, imposed by Sir Jonathan Atkins, for appearance at the next grand sessions. They were charged with taking away guns bought for the King's service, and guns belonging to private individuals, all of which lay upon a free wharf. This wharf belonged to no particular person, though the petition mentions that it did, in order to give colour to Burston's statement that he sold them because they had been so long lying and encumbering his master's wharf. No master of his nor any other person has any right to object to the guns lying on this wharf, it having been made a public wharf by Sir Jonathan Atkins,

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without limit to the time that people might leave their goods thereon, and without charge for use. The jury were fully aware of this, and were not deceived either by Burston's statement or by Hanson's allegation that he re-delivered the guns on the same night to Anthony Rodriguez. The truth of the matter is that Hanson chose a time when Rodriguez, who is a Jew, was engaged in the strict ceremonies of his religion to ship the guns. The ceremonies over, Rodriguez came out, and finding the guns missing from the wharf made inquiries, but without success. Fearing that he might be suspected by the Governor for making away with guns which he had sold for the King's use he complained to Sir Jonathan Atkins, who issued a search-warrant; and after a whole night and half a day's search the guns were found in the hold of the ship (Nathaniel William Clarke, Commander) that was to transport them to New England. Then and not till then they were returned on shore by the marshal's order and not by Hanson's, as the marshal's return to his precept will prove. So much for the first of Hanson's statements. (2.) Hanson being then bound over by Sir Jonathan Atkins to appear at the next sessions, I arrived and held those sessions in person, assisted, as usual, by the Members of Council, Judges, and Justices of the Peace. Hanson had no reason to complain, being indicted only for deceitful removal of the guns, whereas a severer indictment might have been laid. He had a fair trial, and was found guilty of deceitful buying and taking away Rodriguez's guns, the said Rodriguez being one of the King's subjects (in spite of Hanson's statement) by letters of denization. Among the guns were some bought for the King's service, but the jury, on a nice point, decided that the sale was not complete, for though the agreement had been made no money had changed hands. The price named for these guns of the King's considerably exceeded that which Hanson was to pay Burston for his pretended purchase, which was far below the true value of the guns, as appears by the oath of Colonel John Hallett. Still Hanson being dissatisfied with the verdict urged reasons in arrest of judgment. The case was fully heard in full Court, the reasons were overruled, and the Court proceeded as usual to inflict a fine adequate to the offence, which was set in this case at 150*l.* sterling. Hanson says that his reasons were never heard nor overruled, nor the fine declared to be in sterling. The records of the Court prove the contrary. None of the Council suggested that my proceedings were illegal and irregular except one, and one of the five Judges, who from inexperience and lust of popularity put forward something of the kind, but could produce no precedent for the Governor's taking the vote of the assessors as to the amount of a fine to be inflicted. Nor is there legal nor customary warrant for it. As to the addresses from the Assembly to me in his favour, asking that I would not levy the fine because it was not legally imposed, you will, I doubt not, judge them to have been voted in haste, seeing that they ignore all precedents. There were hot humours afoot in the Assembly at the time, as is proved by the fact that they

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presumed to speak on the Council's behalf as well as their own, which proceeding was so much resented by the Council that it recorded its dissent from the same, and shortly after in a conference with the Assembly desired that for the future the Assembly would do no such thing without first acquainting it and receiving its concurrence. In further proof of the haste with which this address was voted, I send copy of another voted by the same Assembly two months later, on the 20th December, in which they praise my diligent inquiries into the fines and forfeitures payable to the King and beg me to pursue them. When you reflect on the chain of falsehoods written by Hanson, I doubt not that you will find that I have governed myself in this case with justice and equity; and if by chance something should be wanting in form and clerkship, I beg that you will not set aside the judgment. It will only give occasion for further trouble, more faction, and more frequent addresses voted simply to gratify the stubborn humours of a few who have joined their purses to carry appeals to England against the Governor. As to Hanson's complaint of his losses through the forced sale of his negroes, those losses were due, I conceive, simply to his own refractoriness. He had respite from the Sessions to the Court of Exchequer, which did not sit till two months after the Sessions, and after judgment was given in the Exchequer against him he had plenty of time to pay the fine into Court. On the contrary, he kept all his moveables out of the way for a long time, so that the sheriff could find nothing to levy on, till at last he thought fit to let a few negroes go abroad, which were seized by the sheriff and sold because Hanson refused to redeem them, in spite of many opportunities. Several of the negroes died in the interval and the rest when sold fetched a price far short of the fine. It is plain, therefore, that his loss could not have been great, so that if it was the fault was his own. *Signed,* Ri. Dutton. *Six closely written pages.* *Endorsed.* Recd. 22 Jan. 1682-3. [Col. Papers, Vol. XLIX., No. 103, and Col. Entry Bk., Vol. VII., pp. 169-178.] *Annexed,*

791. i. Certificate of Anthony Rodriguez's complaint of the loss of his guns. Certified by Edwyn Stede, 15th November 1682. $1\frac{1}{2}$ pp. *Endorsed.*

791. ii. Sir Jonathan Atkins's warrant to search for Rodriguez's lost guns. 26th March 1679. *Copy.* Certified by Geo. Hannay, 1682. $\frac{1}{2}$ p. *Endorsed.*

791. iii. The Provost Marshal's certificate as to finding the said guns. *Copy.* Certified as the preceding. $\frac{1}{2}$ p. *Endorsed.* [This is dated 24th March 1679, which is irreconcileable with 791 ii.]

791. iv. Warrant of the Governor to the justices of the peace to examine about Rodriguez's guns. Copy certified by Edwyn Stede and Stephen Gascoigne. 1 p. *Endorsed.*

791. v. Warrant for the apprehension of Samuel Hanson and John Burston, 19th April 1679. Copy certified by Geo. Hannay. 1 p. *Endorsed.*

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791. vi. Justice's certificate of examination of the case. *Signed,* Edwyn Stede, Stephen Gascoigne. 15th November 1682. 1 p.
791. vii. Certificate that the wharf from which the guns were taken is a free wharf. *Signed,* Edwyn Stede. 13th November 1682. 1 p. *Endorsed.*
791. viii. Certificate of Anthony Rodriguez's denization. *Signed,* Edwyn Stede. 24th October 1682. *With copy of the certificate, dated 23rd October 1661, of Rodriguez having taken the oath.* 1 p. *Endorsed.*
791. ix. Proceedings at the Court of Grand Sessions, held 16th August 1681, at the trial of Samuel Hanson and John Burston. Also the further proceedings overruling Hanson's plea in arrest of judgment. 27th August 1681. 4 pp. *Endorsed.*
791. x. Proceedings of the Court of Exchequer in the matter of Samuel Hanson, with the judgment against him. 4 pp. *This and the preceding document are certified by Richard Seawell, Attorney-General.*
791. xi. Certificate of the Marshal as to the levying of Hanson's fine. *Certified by Geo. Hannay,* 15th November 1682. 1 p. *Endorsed.*
791. xii. John Witham's report as to the case of Hanson. *Original. Holograph.* 3rd November 1682. 2½ pp. *Endorsed.*
791. xiii. Certificate of Commissions of oyer and terminer in Barbados, 1663-71. 1 p. *Endorsed.*
791. xiv. Extract of Minutes of Council, 20th December 1681. Resolution of Council that the address of the Assembly respecting the late Grand Sessions was made without knowledge or consent of the Council. 1 p.
791. xv. Similar extract of same date. That the Assembly shall not join the Council in its addresses without the Council's concurrence and assent. 1 p. *Endorsed.*
791. xvi. Address of the Assembly of same date, approving the Governor's exactions of fines and forfeitures; with the messages that passed next day between the Council and Assembly. 2 pp. *Inscribed, "Papers relating to the business of Mr. Hanson."* *The whole received 22nd January 1682-83. [Col. Papers, Vol. XLIX., Nos. 103 i.-xvi.]*

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- 792.** Order of the King in Council. The loss of the Norwich frigate, Captain Heywood, being due to the Captain's permitting merchants' goods to be laden on board, it is ordered that letters be sent to Governors of all the colonies requiring them to allow no merchandise to be laden on the King's ships in future; also that upon the occurrence of any accident or misbehaviour of any officer or men on any King's ship they do not hold a court-martial on the case, but take the necessary depositions and transmit them home. [Col. Entry Bl., Vol. XCVII., pp. 85-86; also Vol. XXX., pp. 76, 77, Vol. XLVII., p. 71, Vol. LXVII., p. 72.]

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- Nov. 15. **793.** Order of the King in Council. On report of the loss of the Norwich frigate, Captain Heywood, lately at Jamaica, it appears that the wreck was partly due to the Captain's taking on board merchants' goods contrary to regulation. Ordered, that Sir Thomas Lynch be directed to send home Captain Heywood in custody, to answer for the loss of the ship and other charges. [Col. Entry Bk., Vol. XXX., p. 76.]
- Nov. 15. **794.** Memorandum of the Order in Council as to the drawing of half-salary by Acting Governor. [Col. Entry Bks., Vol. LXXXII., p. 93, and Vol. XCVII., p. 87.]
- Nov. 15. **795.** Memorandum of the instructions to Governors as to the enacting style of money Acts and as to presents to Governors. [Col. Entry Bk., Vol. LXXXII., p. 93.]
- Nov. 16. **796.** Minutes of Council of Virginia. Order for the transfer of Robert Beverley to the custody of the Sheriff of York county. [Col. Entry Bk., Vol. LXXXIV., p. 133.]
- Nov. 16. **797.** Sir Richard Dutton to Lords of Trade and Plantations. Barbados. Having answered every paragraph of Hanson's petition, or rather libel, I thought that I had done with the affair; but there has now intervened an extraordinary occasion, of importance not only to myself but to some of the Lords of the Privy Council who have been practised by Hanson ever since his presentation of his original petition to the King. I beg to point out the great infelicity that I suffer through the easy access and countenance that petitioners meet withal against me. I thought that no clandestine address from any man under me would have been received against me till such men had proved to you that they had informed me of their intention to appeal to the King, and left a copy of their petitions with me that I might answer them. So much I think is due to me as Governor, but for want of this due process I must lie under the King's censure and yours for five or six months before I have any opportunity of acquitting myself of any false or vexatious imputation that may be cast upon me by anyone who has a mind to be troublesome to me. Then I am perpetually set to prove a negation which, even when done, as in this particular case, with extreme trouble, can bring me no remedy from an insignificant fellow who heeds not the King's censure. I do not say this because I fear any just complaints, for my conscience acquits me, but because of the ill-consequences that may follow, though this is the first occurrence of the kind in the history of the island. The encouragement given to these attacks on me pursues me daily with fresh mischief to my great dishonour and the lessening of my authority. On the 21st October last a letter addressed to me came through the post office here, bearing date of June last, and signed John Cressett. This did not come to my hands till 21st October. Colonel Stede of the Council happening to be with me, and seeing my letters brought to me, asked if I had received any from a friend

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of mine in England relating to Hanson ; for that the country was full in discourse for a fortnight or three weeks before that I had received a letter advising me from an extraordinary friend of mine to compound the matters in difference between him and me, since some of the Privy Council had declared their opinion that the whole of my proceedings against Hanson were erroneous, and that I lay so much under the King's displeasure that I should presently be removed from my government. Upon this advertisement this enclosed letter of Cressett's was brought by one of my servants from the post office. I read it and handed it to Colonel Stede, who concluded that this was the letter that was talked about. Now, I have no great familiarity with Mr. Cressett, and though I do know him, expect from him no such favours as he pretends in his letter, much less his advice ; and I never saw his handwriting before in my life, if, indeed, the enclosed be his, so that the circumstances are suspicious. Since then, several of the Council and Assembly have told me that Hanson exposed this letter a full month before it came to my hands. I therefore sent for Hanson, knowing Cressett to be his solicitor, to try if I could discover by him how this letter was foisted into the post office, and by what means it came to be exposed to all the factious persons in the Island for weeks before I had any knowledge of it. There were three members of Council with me by chance when he came, whom I thought it prudent to keep with me as witnesses, for I knew the man to be the greatest villain in the West Indies, and a man who would sell his soul for a dollar. I asked him if he had recently received any letter from Mr. Cressett for me either open, under his cover, or under a separate cover directed immediately to me ; if so, in what ship it came and whether he had not communicated it to several persons in the Island, and also to some of the Lords of the Privy Council. He very impudently refused to answer, which to myself and to the Councillors with me was sufficient confirmation of his guilt in every particular. I thereupon committed him to gaol, when he very confidently told me that he cared not what I could do to him, and that he could give 40,000*l.* security. At a meeting of Council I showed them Cressett's letter on Hanson's behaviour, and being unwilling to be my own carver in my own case, sent for him to the Council Board, when my questions were repeated to him, to which he answered only that he had divulged the contents to the letter to me by a transcript sent him by a correspondent of his, one South, an Anabaptist in London, and as great an enemy as the King has in his dominions. He produced it, and I now enclose it, together with Cressett's, which you will see is not so formally addressed as South's, though in the postscript South avers his to be a true copy of the other. It seems therefore pretty evident either that my letter was opened by Hanson at Barbados, or sent to him open to be divulged, and that it is a scheme of Hanson, Cressett, and South to damage me in the eyes of the King, of yourselves, and of all the disaffected people in this Island. As to Cressett's friendliness, if it really existed towards me, he would not have given a transcript of this letter to

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South or to Hanson, his employer. By these villainous contrivances Hanson has prepossessed the people with the idea that I am in disfavour with the King, and this being so I cannot tell how long I shall keep myself from their contempt or them in their obedience. The Council after this remanded him to prison.

In further proof of the frequent contempt of myself, the Council, and Government, I enclose a petition of his preferred to the justices of the peace of quarter sessions last week for his release, though he stands committed by myself and Council. They were, however, wise enough to reject it, though he may have his freedom from us whenever his obstinacy permits him to offer bail. His insolence has not stopped here, but has extended itself by sea as by land, for, while he was active in blackening my character to the people, he brought over an interloper, of which he is sole owner, to one of the windward bays of this Island, and confidently landed his goods and negroes, lying outside the range of any of the forts, omitting to give the authorities any account of his arrival, his ship, her master, her cargo, or any of the particulars required by the Act for the encouragement of trade. On the contrary, he lands all his negroes, stays as long as he pleases in the bay, and afterwards, in defiance of me, sails at open day round the fort at St. Michael's, though out of range of the guns, to another bay to leeward, knowing that I had no frigate to reduce him to obedience. He then careens his ship, and in a few days would have been ready to take in fresh cargo and sail to Guinea had I not prevented him. No custom house officer durst go on board him, the ship being well manned by desperate rogues that, after the example of the owner, defied all authority. But these indignities I could not bear from so rebellious a villain, who brags that he does not care if he spends 20,000*l.* at law with the King and Government. So I resolved to let him know that, though I could not lay hold of him with a frigate nor reach him with cannon, authority had a long arm. I therefore very secretly manned a couple of shallops to try and take him by surprise, and very happily succeeded. I have this ship now riding at anchor in Carlisle Bay to my great satisfaction, and held a Court of Admiralty this week, which condemned her. I took only the bare hull, without sails, cables or anchor, but I intended to fit her out, freight her, and send her to England, but was persuaded to forbear. She will be put up for sale to-morrow by inch of candle. I must now give you an account how I am originally involved in this trouble, which lies hard on me during my indisposition. On the holding of the sessions, when I gave judgment against Hanson, I found that there was a combination of all the factions in the island to run down the royal prerogative. They thought they had a good opportunity to make a first attempt at it on this occasion by noise, and by pretending a right to vote with me on the imposition of all fines at the sessions, and in particular in this case of Hanson. I denied their right as contrary to all law and custom, and proceeded to inflict the fine myself without asking their concurrence. On this Mr. Peers, of the Council, and Mr. Littleton, of the Assembly,

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which latter was then a judge but was turned out by me, undertook to lead the party, and say publicly that, if they were denied the right of voting they had no business in Court and would leave the bench. I thought it right to check them, and told Peers that, if he dared to leave the bench without my permission, I should not only suspend him from the Council forthwith, but put him in gaol till he found security for his good behaviour. He thereupon returned to his seat and Mr. Littleton also; and Peers presently came and begged my pardon, promising to be obedient in future. This point being weathered I had no more trouble during the sessions, though if they had found me flexible they would have taken all fines into their own hands, reduced the populace to devotion to them and myself to contempt, and, at the same time, would have disabled the Exchequer. Failing in this first attempt they resolved to run a new course, and assaulted me with the dreadful name of an address, begging me not to issue execution of the fine against Hanson. Knowing the same men to be at the bottom of this I answered that, as I had inflicted the fine without their consent I would also levy it without their consent, and that with all expedition, that they should not meddle in matters which did not concern them, that, if I had done anything unjustifiable, I was responsible to the King and that I would suffer no interference from them in any matter relating to the Government. Contrary to my expectation, this answer produced not a remonstrance but their thanks, and a request that I would continue both to inflict and levy fines, and devote the proceeds to the fortifications. I rejoined that I could not give away the King's money without his consent, and there the matter ended. Considering the difficulties of my position, I should rather have expected your commendation for freeing myself from this storm than your reproof. I acted in every respect in compliance with the laws, though I confess that there are here laws which are repugnant to the laws of England. The judges will not allow the laws of England to operate except as precedents, much less the procedure of the English Courts of Judicature, excepting some few that relate to the King's Customs. It would have been much easier, and more profitable, for me to have given up the King's indubitable rights to the opposing faction, but I despised gain obtained at the cost of his honour. If I have erred in the method of defending the royal prerogative, I must beg for directions to guide me, or must remain at the mercy of every faction that loses its cause. They now talk of nothing but appeals to the King, and then my poor salary will not pay my clerks to transcribe the records, for no man works except for ready money, and at a very dear rate. [*The following is in Dutton's own hand:*] I apologize for using the hand of another, my sickness preventing me from transcribing this letter. If I have used wrong expressions let my sickness be my excuse. Signed, R. Dutton. Six closely written pages. Endorsed with a long précis. Reed. 22 Jan. 1682-83. [Col. Papers, Vol. XLIX., No. 104, and Col. Entry Bk., Vol. VII., pp. 152-163.] Annexed,

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797. i. Warrant to George Hannay, Deputy Provost Marshal, to keep Samuel Hanson in strict custody unless he find bail in 10,000*l.* for his appearance at the next General Sessions. 25th October 1682. *Copy.* $\frac{1}{2}$ *p.*
797. ii. John Cressett to Sir Richard Dutton. Clients have brought me a cause wherein I find that you are concerned. In friendship I ought to tell you that the ablest Counsel in England judge your proceedings to be erroneous, and that your judgment on the writ of error should be reversed. I tell you this as a friend, that you may take measures accordingly before the King and Council, or yourself can be further troubled in the matter. London, 16th June 1682. 1 *p.* [Col. Papers, Vol. XLIX., Nos. 104, 104 i.-ii.]

Nov. 17. 798. Account of money due to the King for ships and goods seized by Edward Randolph, which by law are forfeited, but have been arbitrarily freed. Total, 940*l.* *Signed,* Ed. Randolph. 1 *p.* *Endorsed.* Recd. 20 Feb. 1682-83. [Col. Papers, Vol. XLIX., No. 105.]

Nov. 17. 799. William Freamen to William Blathwayt. I communicated your letter to all the gentlemen that I met who are concerned in Antigua. Some of them, I presume, will attend the Council, but Colonel Bayer will not appear, fearing that his appearance may be resented by the inhabitants of the Island, many of whom are his particular friends. He is of opinion that the Act of Extent is very dangerous to all merchants that trade to the place and I agree with him. It will undoubtedly much discourage all traders thither, and can only benefit those who design to defraud men who come to the Island to traffic in ignorance of the existence of such an Act. They will as usual contract large debts, and will by means of the Act be defrauded like many other creditors; for to men accustomed to live in Europe the satisfaction allowed by the Act cannot be satisfactory. In my opinion what with the trouble and vexation of recovering their just debts by such methods they would do better to be content to abandon them. Men with honest intentions will never make use of such an Act, as being simply a measure for the encouragement of fraud. I am sorry that my health prevents my attendance at Council, but I give my opinion, which you may communicate as you think convenient. I have no interest in Antigua, though I have some small interest in other of the Islands. *Holograph.* *Signed.* 1 *p.* *Endorsed.* [Col. Papers, Vol. XLIX., No. 106.]

[Nov. 18.] 800. Petition of Christopher Jeaffreson, on behalf of the inhabitants of St. Christophers, to the Lords of Trade and Plantations. The King has granted an order that three hundred malefactors shall be transported to St. Christophers, he himself paying forty shillings towards the defrayment of prison fees, for the

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encouragement of traders to transport the said malefactors for the good of the Island. But not one of the malefactors has yet been sent, by reason of the great security required of 100*l.* for every malefactor, to be forfeited on the escape of any one of them. This has so much discouraged the undertaking that it is to be feared that it will never be carried out unless the security be reduced. On arrival at the Island the escape of the malefactors will be rendered unlikely, first, by the planters, whose interests it will be to keep them, and second, by the rule which forbids masters of ships to embark any passenger without a ticket. Moreover, the escape of any malefactor would be sufficient loss to the undertaker of itself without the forfeiture of so large security. Prays that the security or forfeiture may be taken off, and an Act passed in the Island providing that malefactors shall serve double the term of other white servants. 1 *p.* *Endorsed.* Recd. 18 Nov. 1682. Mitigated to 20*l.* [Col. Papers, Vol. XLIX., No. 107.]

[Nov. 18.]

801. Petition of Thomas Corney and William Righton. About August last you were pleased to oblige us to speedy and vigorous prosecution of the *quo warranto* brought against the Bermuda Company's charter. We advised with counsel about it, and by their direction moved the Court of King's Bench that the Attorney-General might have leave to mend his replication on the first day of this term. The Court gave the Company eight days to show cause against it, but no cause being then shown the Court gave them longer time, and then would not admit the amendment. When the Attorney-General, Sir George Jeffreys, and Mr. Holt, who are Counsel for the King, pressed to have the amendment allowed, the Court answered that it was but a private cause, though Mr. Attorney showed the King's Order in Council for bringing a *quo warranto*, and when he affirmed that your Lordships had ordered the case to be brought to trial, the Court replied that if he liked not his replication he might bring a new *quo warranto*. This was the first time Mr. Attorney was ever denied to mend his plea in the King's Bench. These proceedings will encourage the Company, who have already trifled away three years at law in this cause, and in such circumstances we dare not move further without your special orders. We beg that the King will appoint some one to follow up this cause. 1 *p.* *Endorsed.* Recd. 18 Nov. 1682. Withdrawn. [Col. Papers, Vol. XLIX., No. 108.]

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802. Journal of Lords of Trade and Plantations. The Lords considered the business of the transportation of servants to the Plantations, and agreed to their report (*see post*, No. 846).

The Lords order the petition of William Righton and Thomas Corney against the Bermuda Company to be withdrawn, by reason of some improper expressions. The Attorney-General to be spoken to next Council day for the hastening of the *quo warranto*.

Petition of Christopher Jeaffreson read (*see No. 800*). The Lords will recommend that the security be reduced to 20*l.* a head,

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and that Sir W. Stapleton be ordered to try to pass a law obliging all transported malefactors to serve for eight years at least. [Col. Entry Bk., Vol. CVII., pp. 79-82.]

- Nov. 19. **803.** Robert Mason to Governor Bradstreet. I sent you the King's letters of 23rd June last by Mr. Randolph, and doubt not that you will give ready obedience thereto. In pursuance of the right and title declared by the King I claim all the unimproved lands from three miles north of the Merrimac to the Naumkeck, and in particular all lands lying within the reputed bounds of Salisbury, Newbury, Ipswich, and Rowley. I beg you to put me into possession, and to record my title. And as I claim the improved lands also I beg to be admitted to prosecute my right to certain lands at Salisbury lying within your jurisdiction. *Signed,* Robert Mason. $\frac{1}{2}$ p. *Endorsed.* Copy for William Blathwayt, Esq. [Col. Papers, Vol. XLIX., No. 109.]

- Nov. 20. **804.** Address of the General Council and Assembly of the Leeward Islands to Sir William Stapleton. We, the General Council and Assembly this day assembled in Nevis, have considered the great damage sustained by the Islands by two violent hurricanes and excessive drought, which have rendered the inhabitants incapable, in spite of their good will, of proceeding with the work of fortification as first designed. We beg you therefore to send an address to the King to grant the proceeds of the four-and-a-half per cent. duty for two or three years towards the building of fortifications; and in case of his refusal to send a second address, praying him to grant us the farm of that duty at the expiration of the present term. *Signed,* Roger Elrington, Ja. Phipps, Peter Cove, Jno. Netheway, Charles Pym, J. Parry, Fran. Carlile, Jno. Bramley, *of the Council.* Ralph Willett, Speaker, Wm. Willett, Saml. Gardner, Ja. Walker, Jno. Vernon, John Yeaman, Tho. Cooke, John Blake, *of the Assembly.* 1 p. *Endorsed.* Recd. 20 Jan. 1682-83. Read 25 May 1683. *Inscribed,* 15 Nov. [Col. Papers, Vol. XLIX., No. 110.]

- Nov. 21. **805.** Warrant to Joseph Moreton to grant land in Carolina to immigrants. *Signed,* Craven, Albemarle, Bath (for Lord Carteret), Pr. Colletton. Form of the indenture to be employed. [Col. Entry Bk., Vol. XXII., pp. 1-3.]

- [Nov. 21.] **806.** Rules for the granting of land. Embodying the directions given to the surveyor (*ante*, No. 497). *Signed,* as the foregoing. [Col. Entry Bk., Vol. XXII., pp. 5-7.]

- Nov. 21. **807.** Lords Proprietors of Carolina to Governor Moreton. The Scots and other considerable persons who intend to be settlers in Carolina have told us that they doubt whether we have sufficiently provided against the oppression of the people by their Administrators. We have therefore again revised our fundamental constitutions, and being sensible that these frequent changes are apt to unsettle people's minds, we empower you in Parliament to

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ratify those new constitutions of 17th August 1682. *Signed.* Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton. [Col. Entry Bk., Vol. XXII., p. 9.]

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808. The same to Governor Moreton and Maurice Mathews. By our articles with the Scots you will see that we are to buy the land that they choose from the Indians. You will therefore at once treat with the Indians for the purchase of the land as soon as it has been run out, have it conveyed to us and take possession. [Col. Entry Bk., Vol. XXII., p. 10.]

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809. Lords Proprietors of Carolina to Governor Joseph Moreton. We have agreed with Sir John Cockram and Sir George Campbell, for themselves and other Scots, for the settlement of a county in Carolina. You will find by the articles that if the county to be set out for them be not contiguous to any of the three already appointed, it is to be so far from them as to leave space for a county in between, and if it be further remote than the breadth of one county, then it must be so placed as to leave space for two counties, and so on. Our design is that their land shall not be taken up so as to leave insufficient space for a whole county between county and county, which would hinder the running of the whole into regular counties five squares broad. Again, the Scots' county is not to interfere with the county where we intend to place the chief town of Carolina, which we design to be on the Cambahee river. Their county is not to be on either bank of that river, though when our plan is complete we shall throw the river open to settlement. We are much troubled to hear that you have had wars with the Indians, and fear that it may discourage settlement if it be not speedily closed; and as we are not thoroughly satisfied that the grounds of war were just on the English side, we desire you to make peace as soon as possible. We have granted patents for caciques to Captain Henry Wilkinson, John Smith, Major Thomas Row, Thomas Amy, John Gibbs, and John Ashby, and you will grant them baronies as they require it. We send you new instructions for the grant of land. You will inform the inhabitants that we will sell any man the rent he is to pay us, if he desires not to be incumbered with a rent, after the rate of one shilling per acre. *Signed.* Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton. [Col. Entry Bk., Vol. XXII., pp. 8-9.]

Nov. 21.
Whitehall.

810. [Sir Leoline Jenkins?] to Sir Richard Dutton. On receipt of yours of 29th August I represented to the King your continued desire for leave of absence, to which he very soon consented, approving at the same time your choice of a deputy. I have sent a duplicate of his letter granting the same in case of accident, and wish you a pleasant voyage. [Col. Entry Bk., Vol. XCIX., p. 183.]

Nov. 21.
Whitehall.

811. The same to the same. Captain Abraham Langford had a patent for the clerkship of the Navy Office, Barbados. Being weak in health he surrendered his patent and begged that it might be

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granted to his son, but died before anything was settled. The King referred the petition to the Lords of Trade and Plantations, and by their desire I now send it to you for your report if you think that the post may be held by petitioner's son. [Col. Entry Bk., Vol. XCIX., p. 183.]

Nov. 22.
Whitehall.

812. Order of the King in Council. That Thomas Cheek, Lieutenant-Governor of the Tower, take care that thirty able men be raised, provided with the necessary clothes and arms, and put on board His Majesty's Ship Deptford, to be sent to St. Christophers. [Col. Entry Bk., Vol. XLVII., p. 67.]

Nov. 22.
Whitehall.

813. Order of the King in Council. That one of the Secretaries of State prepare a warrant to the Lieutenant of the Tower to beat the drum to raise these recruits. Copy of warrant. [Col. Entry Bk., Vol. XLVII., pp. 67, 68.]

Nov. 22.
Whitehall.

814. Order of the King in Council. That the Lords Commissioners of the Treasury provide money for arming and clothing these recruits. [Col. Entry Bk., Vol. XLVII., pp. 67, 68.]

Nov. 22.
Whitehall.

815. Order of the King in Council. That the thirty recruits be sent to St. Christophers, and that the Master General of the Ordnance, George Legge, give directions for them to be provided with arms. [Col. Entry Bk., Vol. XLVII., p. 69.]

Nov. 22.
Whitehall.

816. Order of the King in Council. That the Commissioners of the Admiralty take care for the reception of the thirty recruits on board the Deptford and their despatched to St. Christophers. [Col. Entry Bk., Vol. XLVII., p. 70.]

Nov. 23.
Barbados.

817. Sir Richard Dutton to [Sir Lcoline Jenkins]. Many thanks for your extraordinary obliging letter of 12th September. I hope that I have now mastered my difficulties, and reduced the Island to a better state of obedience, in which it will continue if I am supported at home. I should not have presumed to ask leave of absence had I not thought it for the King's interest as well as for the good of my health. It is mere necessity that drives me to it, for if my health be not recruited I shall be unable to stand the climate. If, however, the King desire it I shall be prepared to lay my bones here or wherever he may order, though the sight of my wife and children would be very grateful to me before I die. My wife will present you with some sweetmeats made in this country, which I beg you to accept. *Holograph.* 1 p. *Endorsed.* Recd. 27 Jan. [Col. Papers, Vol. XLIX., No. 111.]

Nov. 24.
Mytairia.

818. The Duke of Courland to Sir Richard Dereham. We have heard with gratitude of your good offices from Abraham Marine, our late resident at Whitehall, and we now recommend to you our other affairs and particularly that of Tobago. As to one vessel which you detain by arrest at Marine's request, you may prosecute it or release it according to the expense. *Signed,* Frederic Casimir.

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Translation. 1 p. *Endorsed.* [Col. Papers, Vol. XLIX., No. 112.]

Nov. 24. **819.** Latin original of the foregoing. *Signed,* F. Casimirus, Dux Curlandiæ. 2 pp. *Endorsed.* [Col. Papers, Vol. XLIX., No. 113.]

Nov. 25. **820.** Journal of Lords of Trade and Plantations. Acts of Jamaica considered. Act for regulating slaves to be amended. Act for ascertaining the quit-rents approved conditionally, but Lord Carlisle's draft concerning quit-rents to be sent to Sir Thomas Lynch and passed with it if possible, otherwise the present Act to be continued. Act to oblige masters of ships to give security amended. Acts to prevent damages in plantations, and for registry of deeds approved conditionally on passing of the Revenue Act. (*For the amendments see post 17 Feb. 1683.*)

Mrs. Jeffreys' petition read. Agreed to report in her favour. (*See next abstract.*)

Sir Richard Dutton's letter of 29th August read. The Lords learn that the King had granted him leave of absence under his sign manual notwithstanding Order in Council of 3rd November 1680, which prescribes that it must be granted by permission in Council. The Lords will consider whether the King shall not be moved to grant him leave by Order in Council; and as Sir R. Dutton has received a present from the Assembly, will recommend an order that no such present be received without the King's consent. [Col. Entry Bk., Vol. CVII., pp. 83-86.]

[Nov. 25.] **821.** Petition of Susanna Jeffreys to the King and Committee of Trade and Plantations. Pursuant to orders, on receiving the 300l. which was claimed by Lady Berkeley I gave security to answer Lady Berkeley's prosecution if she should bring any. After one year your Lordships bade me wait for another, but two years are now past since your last command, and meanwhile Colonel Ludwell, who has married Lady Berkeley, has been to England and has returned to Virginia without bringing any prosecution. I beg therefore that I may be relieved of the security and that my bond may be returned. 1 p. *Inscribed.* Recd. 25 Nov. and 2 Dec. 1682. Reported in favour of the petitioner. [Col. Papers, Vol. XLIX., No. 114.]

Nov. 28. **822.** Journal of Lords of Trade and Plantations. Sir Richard Dutton's letter of 29th August read. The Lords agree to recommend a new order respecting presents to Governors from Assemblies, viz. that such presents be made to the King for the use of the Government; also that Sir R. Dutton's leave of absence be granted by Order in Council. The Attorney-General to report whether saltpetre mines in the West Indies are royal mines. [Col. Entry Bk., Vol. CVII., p. 87.]

Nov. 29. **823.** Order of the King in Council. Referring the petition of Whitelhall. Gabriel Rappe to the Lords of Trade and Plantations for their

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report. The said Rappe, a French refugee Protestant, prays for liberty to plant vineyards and sow hemp and flax in the English dominions in America. *A scheme evidently copied from that of Réne Petit. See previous volume, Index, sub. voce. Petit. Signed, Francis Gwyn. 1 p. Endorsed. Recd. 2 Dec. 1683. [Col. Papers, Vol. XLIX., No. 115.]*

Dec. 1.
Portsmouth.

824. Governor Cranfield to Lords of Trade and Plantations. As to the business of Messrs. Waldern and Martyn, I appointed a time for the examination thereof, and gave Mr. Mason notice to prepare his charges. On the other hand, Waldern and Martyn offered to prove sundry things from Mason's own words and writings that were disrespectful to the King and his authority, and such as were not to be allowed. Having no instructions I did not receive these allegations as charges, but send you a copy, together with their answer to each of Mr. Mason's and Mr. Randolph's charges. On the whole I think that, though there might have been some heat of spirit and undueness of expression between Mr. Mason and them, yet that there was nothing to render them guilty of disloyalty, with which they were charged, indeed rather the contrary. On the 14th November, therefore, I took off their suspension and restored them to the Council, finding them very useful for the King's service here. As to Mr. Mason, he has much misrepresented the whole matter, the place being not so considerable, nor the people so humoured as he reports. There are but four small towns, all impoverished by the expenses of the last Indian war, and several hundred pounds in debt on that account to this day. I find them very loyal to the King and respectful to myself, willing to do what they can in support of the Government, but unable to do as much as has been pretended. Far from being ready to own Mason as their proprietor, they are very slow to admit of any one but the King. Whatever their first compliments in the matter, few or none are willing to comply, except some few Quakers, and they only on condition of his recovering the whole, but the general wish is for a decision of the case by law. I conceive, therefore, that Mason has taken wrong measures for his procedure. He thought that, by laying aside Waldern, Martyn, and the principal Minister, he would have frightened the people into compliance with him, but finds himself mistaken; whereas had he asked for a trial on the spot he would, in my opinion, have been nearer an end of his business than he is. So far he has summoned but one person before me, who has given his reasons for refusing to comply with him. Copy thereof shall be enclosed in my next. Mason, seeing that the people were fixed in their opinion, by Mr. Chamberlain's advice, pressed me to restrain the cutting of wood, which would have led to ill-consequences if I had consented, for without wood for firing and merchandise the poor people would perish. Although I have not been fairly treated by Mason and Chamberlain for refusing to gratify them, I have adhered to my instructions respecting Mason's claim. Had I yielded to the violent courses that they urged, I should have greatly disturbed the people

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without promoting the King's interest, which is far above that of any private individual. Indeed, the people scruple not to say that it is Chamberlain's friendship with Mason that puts him to such unsafe and irregular counsels. Major Shapleigh, a Quaker, now dead, used to be held responsible for it, but now it lies at Chamberlain's door. They object further, on the ground of his indigency, that he should be entrusted with the custody of all their deeds and records, that all their titles to land, &c., should be in the hands of a friend to their antagonist, who has given no security for the proper discharge of his duty, and indeed could not give it. They submit quietly to the King's wishes, but ask me to lay the matter before you. I must needs add that I find him very incapable of the duties of his place, whether from original incapacity, dejection, or disappointment I know not, but he gives me great anxiety in the discharge of my duty. I have settled him as Secretary, Clerk of the inferior Courts, and Keeper of the Records, so that he receives what fees there are, though I do not think that they are many. He thinks himself hardly dealt with if he have not the profits of the seal and of every summons or warrant, which may be worth ten pounds a year, but, when any offer of service to the King is made to him, he declines it. Thus I sent him a commission constituting him a Judge of the Admiralty Court. He declines; whereby the King's business is obstructed, and damage like to come of the non-execution of the Acts of Trade. If the methods of Government be carried out according to my instructions, the expense and labour in writing will be little less than that of other plantations, while our income is so small that Kingsbridge could as easily bear the cost as this province. If Mason did get sixpence per pound of all the improved lands, it would not (for all his high talk about a fifth of the rent) amount to one hundred pounds a year. But, if the province of Maine were added to this government, we could put a tax on boards and timber that would support it. But I shall obey your orders cheerfully while I am here.

As to ecclesiastical matters the attempt to settle the way of the Church of England here will be very grievous to the people, whatever Mr. Mason may have said. They are very diligent and devout in their own worship, very tenacious of it and very grateful for the King's indulgence to them therein. The General Assembly after three weeks' sitting has gone into recess by reason of the sharpness of the season and the shortness of the days. They were not able to sit above three or four days a week. Altogether their business is much retarded. Some laws they have passed, but should I have awaited Mr. Chamberlain's transcription of them I could not have given you a sight of them by this conveyance. Authenticated copies will follow. I submit that the prohibition upon Council and Assembly from meeting in houses of entertainment is impracticable here without great inconvenience. We have found it so this session, and shall find it so still more when the country round about comes in for the Courts of Judicature. I beg for indulgence herein, and that the income gathered by courts may be taken to defray the

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expenses of courts while sitting in another place. For it is hard for judges, justices, and jurors to spend their time at their own cost. I forgot to add that, upon arguing Captain Stileman's case with Mason, the old record book of the province was produced, wherein it appeared that in Captain John Mason's lifetime the inhabitants, being wholly without government, were forced to enter into a combination to govern themselves by the King's laws, when they found by experience that they could not govern themselves. As for taxes, the people own that Massachusetts spent several thousand pounds for them in the Indian war, for which they never had compensation. I think that the people upon a further hearing will have much to object to Mason's proprietorship. *Signed,* Edw. Cranfield. *2½ very closely written pages.* *Endorsed with a long précis.* Recd. 23 [? 13-23] Feb. Read 27 April 1683. *Annexed,*

824. i. Articles exhibited against Richard Waldern and Richard Martyn by Robert Mason. Nine brief articles and as many brief answers arranged in parallel columns. *Large sheet.* *Endorsed.* Recd. 13 Feb. 1683.
824. ii. Several misdemeanours exhibited against Robert Mason by Richard Waldern and Richard Martyn. Five articles. 1 p. *Endorsed.* Recd. 13 Feb. 1683.
824. iii. Copy of the resolution of the people at Piscataqua to combine for the enforcement of the laws of England in 1640. Forty-two signatures, Richard Waldern's among them. 1 p. Copy certified by Edw. Cranfield. *Endorsed.* Recd. 13 Feb. 1682-83.
824. iv. Richard Chamberlain's refusal to accept the Commission of Judge of the Admiralty Court in New Hampshire. 28 Nov. 1682. *Copy certified by Chamberlain.* *Endorsed.* 1 p. [Col. Papers, Vol. XLIX., Nos. 116 i.-iv., and (letter only) Col. Entry Bk., Vol. LXI., pp. 77-83.]

Dec. 1.

825. Governor Cranfield to Sir Leoline Jenkins. I have written at large to their Lordships. There is great want of arms in this province. Would you move for five hundred firelocks and one hundred and fifty cases of pistols for us? *Signed,* Edw. Cranfield. *Endorsed.* Rec. 13 Feb. 1682-83. [Col. Papers, Vol. XLIX., No. 117.]

Dec. 2.
Barbados.

826. Sir Richard Dutton to [Sir Leoline Jenkins]. I did not expect to write again; but it is to me a great and unexpected accident to hear of any man breaking gaol with hopes of getting off this Island undiscovered. It looks as if the prisoner were born to give us the greatest precedent of villainy ever known in the Island, so I must beg leave to tell you the story. Hanson, my adversary, was a prisoner under the Marshal's custody by commitment of myself and Council. He pretended to the Marshal that he would give bail, which the Marshal really believed that he would, and so granted him too great liberty and the means of escaping from the gaol. This he succeeded in doing on Tuesday

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last. There was a hot pursuit directly the escape was discovered, but it was presently reported that he had managed to get on board one of the ships that sailed for England that morning. The Marshal is much troubled at his misfortune. I can call it by no other name, for he is an honest man, who was sold out here as a slave for helping the King after Worcester, and is resolved to make a vigorous pursuit after his prisoner to England, though it was a great risk for one who had lived so long in a hot climate to expose himself to the extremity of the winter, and the expense of the voyage must needs be great. He will bring a petition with him which he will present to you to be laid before the Council, or the King and Council, as you shall think most fit, for the apprehension of his prisoner and his return to this Island. He is but four days after Hanson, and is so eager in pursuit that I hope he may have a prosperous voyage. If Hanson should hear of his arrival he will not dare to show himself, so I have ordered the Marshal, Mr. Hannay, to conceal himself, if he hears that Hanson is arrived before him, until he knows his whereabouts, and has the King's warrant for his apprehension, which I have no doubt will be granted to him if you please to move in his behalf. I feel ready enough to pursue him to any part of the King's dominions myself, did circumstances permit me. I confess that the Marshal's zeal in pursuit is fortunate for me, since it acquits him of all complicity in the escape, and will place him on the spot to swear to the authenticity of the records which I have transmitted on Hanson's case. If, therefore, he arrives in England before my business against Hanson be heard in Council, I beg that he may be summoned as a most material witness on my side. *Postscript.*—If any desire on behalf of Colonel Stede that he may have liberty to transfer his interest of Provost Marshal to the Deputy, George Hannay, I beg that it may meet with no obstruction, for he is extraordinarily well qualified for the office. *Holograph.* 2 pp. *Endorsed.* Recd. in March. [Col. Papers, Vol. XLIX., No. 118.]

Dec. 2.

827. Journal of Lords of Trade and Plantations. Acts of Jamaica considered. Act for a ferry at St. Catharine's approved conditionally. Act to ascertain the value of foreign coins to be enquired into. Act for maintenance of the bridge at Passage Fort approved conditionally.

The new rule as to presents to the Governor altered. The money to be given to the King with a request that he give it to the Governor.

Report as to Mrs. Jeffreys approved.

Mr. Jeaffreson, Agent for the Leeward Islands, called in, who showed a plot of the fort of St. Christophers containing two acres of ground, and prayed the King to allow the Island some great guns. He was referred to the Commissioners of Ordnance. [Col. Entry Bk., Vol. CVII., pp. 88-89.]

Dec. 4.
St. Jago
de la Vega.

828. Minutes of Council of Jamaica. Captain Anthony Swymmer's account for repair of fortifications presented. Ordered that the Governor be pleased to examine and pay for it. The

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Minutes from 14th August to this day were sent to England on 21st December. Copy of covering letter inserted. *The outer sheet endorsed.* Recd. 3 March 1682-83. [Col. Entry Bk., Vol. XXXVI., pp. 12-14.]

Dec. 6.

829. Memorandum. Sent this day to Sir William Stapleton. Act for the better settlement of St. Christophers confirmed. Letter from the Lords of the Treasury to execute the sentence against Brunet's ship and duplicate of Order in Council of 3rd August 1682. Duplicate of Order, 3rd November 1680, respecting leave of absence to Governors. [Col. Entry Bk., Vol. CVII., p. 89.]

Dec. 6.

830. Certificate from William Blathwayt, that the Lords of the Treasury have stopped the payment of the salary next due to Lord Culpeper until the fees for passing his Commission are satisfied. *Copy.* $\frac{1}{4}$ p. [Col. Papers, Vol. XLIX., No. 119.]

Dec. 6.
Whitehall.

831. Order of the King in Council. Report of Lords of Trade and Plantations on the petition of Mrs. Susan Jeffreys, recommending that she be released from her bond as she desires (*see ante*, No. 820). *Dated,* Council Chamber, 2nd December 1682. Ordered accordingly. [Col. Entry Bk., Vol. LXXXII., pp. 90-92.]

Dec. 6.
Whitehall.

832. Order of the King in Council. Report of Lords of Trade and Plantations. By Sir Richard Dutton's letter of 29th August last (*see ante*, No. 666), we learn that among other good services he has passed an Act in the Assembly of Barbados for an impost on imported liquors for one year, and prevailed with the Assembly to use the style of enacting laws in England. He also asks for leave of absence to recover his health. We recommend that this be granted by Order in Council on condition that he draw half salary during his absence, the remaining half to be given to his deputy; which practice we recommend shall apply in future to all the Colonies in such cases. We notice that the Assembly has given Sir Richard Dutton fifteen hundred pounds as a present out of the money to be raised by that Act. Though we believe him to be very deserving, we think it unfit that any money should be given by any Assembly to a Governor which shall not be voted to your Majesty, with a request that it be applied to the use of that Governor, when you may approve or disallow it at your will; or that any Act be passed for raising money whereby the same shall not be given wholly to you for such uses as shall be directed by the Act. We understand further that judgment has lately been passed in the Exchequer of Barbado; for 579*l.* 10*s.* due to you from Colonel Christopher Codrington, as to which Sir Richard Dutton asks for your mercy towards him. We recommend that the money be levied according to judgment. Lastly, we submit that the number of twelve Councillors being sufficient for the Island, you will forbid the same to be exceeded on any account whatever. Ordered accordingly. Secretary Jenkins to prepare the necessary letters. *Signed,* Francis Gwyn. $2\frac{1}{2}$ pp. *Endorsed*

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[*Col. Papers, Vol. XLIX., No. 120, and Col. Entry Bk., Vol. VII., pp. 141-143.*]

Dec. 8.
Barbados.

833. Governor and Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of the Council's proceedings and of imports. *Signed*, Ri. Dutton, Robert Davers, Richard Howell, Saml. Newton, Edwyn Stede, Henry Walrond, John Witham. 1 p. *Endorsed*. Recd. 3 April 1683. [*Col. Papers, Vol. XLIX., No. 121, and Col. Entry Bk., Vol. VII., p. 184.*]

Dec. 8.
Whitehall.

834. Order of the King in Council. Referring the petition of Richard Thayre to the Lords of Trade and Plantations for report. *Signed*, Francis Gwyn. ½ p. *Annexed*,

834. i. Petition of Richard Thayre of Braintree, New England. I went to New England forty years ago and bought a large tract of land from Wompatuck Josias, an Indian Sachem, which is now called Braintree. Though the southern bounds of Massachusetts are fixed by charter, they have lately enlarged them by an imaginary line, and thereby taken Braintree and other lands belonging thereto into their jurisdiction, and disposed of a great part of my land to Captain Thomas Savage and Captain Clapp. These men have long disturbed me in possession, and I was compelled to defend my title at Boston. But the Court would not allow my enrolled deed from Wompatuck, and I thereupon appealed to your Majesty in Council, but this also was refused. Three years ago I came over to England to appeal in person, but was dissuaded by the Agents Bulkeley and Stoughton, who assured me that I should have justice in New England. I therefore returned thither, where, instead of being restored I have been dispossessed and ruined. Now as Braintree lies outside the jurisdiction of Massachusetts, I and the other Proprietors wish to be under your Government and not under the tyranny and oppression of Massachusetts. I beg for consideration and redress. *Copy*. 2 pp. [*Col. Papers, Vol. XLIX., No. 122, and Col. Entry Bk., Vol. LXI., pp. 168, 169.*]

Dec. 9.

835. Journal of Lords of Trade and Plantations. Six Acts of Jamaica confirmed conditionally, and one confirmed absolutely. Draft order respecting transportation of servants approved, and to be presented to the Council Board with Chief Justice North's alterations. Agreed to recommend that half perquisites and emoluments as well as half salary be allowed to Deputy Governors in future. No Commander-in-Chief for the time being to be henceforth appointed, but in case of the Governor's absence the King to commissionate (*sic*) a Lieutenant Governor.

A letter from Mr. Bacon, Auditor of Virginia, to Mr. Blathwayt, dated 26th August, read. Ordered that Lord Culpeper, and in his

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absence his agent, account to the Auditor for all perquisites received by him as Governor. The letters patent to Lord Culpeper for the quit-rents of Virginia to be examined and laid before the Committee. The merchants of Virginia to be consulted on certain questions of trade.

The petition of Gabriel Rappe, a French Protestant, for liberty to make salt in the plantations between 36° and 52° North, read. Agreed to report that the land is all granted away, but to recommend the petitioner to the Duke of York for liberty to make salt in New York. [Col. Entry Bk., Vol. CVII, pp. 90-92.]

Dec. 10.
Whitehall. **833.** Order of the King. That when Governors in Chief are absent from their Governments, their deputies shall draw a full half of their salary, perquisites, and emoluments. *Countersigned*, L. Jenkins. [Col. Entry Bk., Vol. XLVII., p. 70.]

Dec. 10.
Whitehall. **837.** The King's Warrant for the allowance of half the Governor's salary to the Deputy Governor of Barbados during the Governor's absence. *Countersigned*, L. Jenkins. [Col. Entry Bk., Vol. VII., p. 146, and Vol. XCVII., pp. 118, 114.]

Dec. 10. **838.** Circular. The King to the Governors of the Colonies. Ordering that half their salary shall be paid by absent Governors to their deputies who administer the Government. *Memorandum*.—The circular was sent to the Colonies on 13th January 1683. [Col. Entry Bk., Vol. XCIX., p. 185.]

Dec. 10.
Whitehall. **839.** The King to the Proprietors of Carolina. As you were in doubt as to the position of Maurice, Lord Fitzhardinge, Sir William Berkeley's heir, we give you to understand that we intended by our letters patent that Sir William's full privileges as a Proprietor should descend to his heirs, and we therefore recommended to you Lord Fitzhardinge for full investiture with the same. *Countersigned*, Conway. [Col. Entry Bk., Vol. XCIII., pp. 169, 169a.]

Dec. 10.
Somers'
Is'lands. **840.** Answer to a paper presented to the Governor and Council on 25th November 1682, by Samuel Trott, as an information against John Hubbard, sheriff, wherein it is declared that Trott had a boat laden with tobacco, with three white servants and one slave, and that he had not heard of boat, goods, or servants since the day that Captain Edward Clemens sailed from the Island, wherefore he called John Hubbard to give what account he knows of the same. The Governor and Council ordered Hubbard to give his answer in writing, which he did as follows:—(1.) It was my duty to prevent all ships from carrying away tobacco of the crop of 1682. A ship came in which I suspected would take in tobacco. Several boats, in disobedience to my orders, sailed out to her and put their tobacco on board. One boat, in which was Samuel Trott's son-in-law, sailed far out to sea after the ship, deeply laden with tobacco in spite of all warnings. The weather was bad and the night was dark, and that is all that I know. (2.) It is contrary to law to transport tobacco out of these Islands except as the

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Company directs. I did my duty in endeavouring to enforce the law. *Signed*, John Hubbard. *Copy* certified by Henry Tucker, 2 January 1682. Sworn a true copy, and attested by Henry Durham, Governor, March 28, 1683. 2 pp. [Col. Papers, Vol. XLIX., No. 123.]

[Dec.]

841. Governor Cranfield to [Sir Leoline Jenkins ?]. The enclosed petition was brought to me by Captain Francis Champernoun on behalf of the inhabitants of the Province of Maine. Pray present it to the King in Council. The advantages of joining Maine to this province would be very great, not only as a means to support the Government, but also to keep the people in loyalty, for at present they are hedged in by the Bostoners, who do all they can to undermine the settlement of the King's Government. I am now better able to give you a report on the Colony. Its condition is very mean. There are not ten men worth five hundred pounds apiece; and things are not likely to improve, for they have neither fisheries nor timber. Should Mr. Mason dispossess the towns of their unimproved lands it will be impossible for above four or five families to subsist, for they will have nowhere to feed their cattle in summer and winter. Most of the inhabitants say that they must go, unless Mr. Mason accepts an acknowledgment for the unimproved as well as for the improved lands. If every man willingly paid his six-pence in the pound, the sum would not amount to above 100*l.* a year. The people are ready to do anything in reason for Mr. Mason, and contrary to my expectation profess great loyalty to the King. You would do us great service by procuring us some firearms. When the Assembly meets I shall endeavour to pass laws that are satisfactory to the King. 1½ pp. *Signed*, Ed. Cranfield. *Endorsed*. Recd. about 29 Jan. 1683. *Annexed*,

841. i. Petition of the inhabitants of Maine to the King. For relief from the burdensome rule of Massachusetts, and for establishment under the King's immediate authority. *Thirty-nine signatures, all written by three or four persons.* 1 p. *Endorsed*. [Col. Papers, Vol. XLIX., Nos. 124, 124 i.]

Dec. 10. **842.** Richard Waldern, jun., to Lords of Trade and Plantations, New Hampshire. The late arrival of our Governor is my reason for writing to express all obedience and respect. The sudden departure of the ship prevents us from sending an address, but we are most grateful for the Royal favour and particularly for his indulgence in matters of religion. Mr. Mason has tried hard to fill the world with the equity of his claim to the property of the soil, but we hope we have done nothing to forfeit our English right to have the question of property decided on the spot, and not to be condemned before heard. We have confidence in the justice of our cause and trust that the interests of a whole community will be preferred to those of a single subject. *Signed*. Richard Waldron, jun., Speaker, on behalf of the Assembly. 1½ pp. *Endorsed*. Recd. 13 Feb. 1683. [Col. Papers, Vol. XLIX., No 125.]

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Dec. 11. **843.** [Sir Leoline Jenkins?] to Sir Thomas Lynch. I send you a large batch of papers respecting the case of Elizabeth Smart and her brother John. The King relies upon you to see justice done. [*Col. Entry Bk., Vol. XCIX., p. 184.*]
- Dec. 12.
Council Chamber. **844.** Lords of Trade and Plantations to Sir Richard Dutton. The King has granted you leave to return to England, where you will reside for three months only, for recovery of your health. During your absence you will draw half your salary only, your deputy receiving the other half. *Signed,* Radnor, Ormond Chesterfield, Clarendon, Halifax, Arlington, Sunderland, F. North, L. Jenkins, J. Ernle, Godolphin. 1 p. [*Col. Entry Bk., Vol. VII., pp. 143, 144.*]
- Dec. 12. **845.** Journal of Assembly of Barbados. In the absence of Christopher Codrington, Richard Guy was elected Speaker. On the Bill concerning the procuring of negroes, voted that the Governor and Council be moved to revive the old Acts.
- Dec. 13. Bills to revive the aforesaid Acts read and passed. A committee nominated to prepare a Bill for ascertaining parish boundaries, &c. Order for payment of six months' salary to Richard Cartwright and to Matthew Willox. Colonel John Farmer's petition referred to the Committee of Public Accounts. Adjourned to 23rd January 1683. [*Col. Entry Bk., Vol. XIII., pp. 504-507.*]
- Dec. 13.
Whitehall. **846.** Order of the King in Council. In consequence of many abuses in the transportation of white servants for the Colonies, through fraud on the part of such servants, it is ordered:—
 1. That such servants be taken by indenture before a magistrate, one part of which is to be signed by the servant and one by the magistrate; the document to be filed by the Clerk of the Peace.
 2. That the Clerk of the Peace keep a register of the same.
 3. All white servants over twenty-one years of age may be bound in the presence of a justice of the peace or borough magistrate at the port of departure, on satisfying such magistrate that he takes service voluntarily.
 4. Persons under twenty-one may be bound before any two justices of the peace with the consent of parents or masters.
 5. None under fourteen years of age is to be bound unless his parents, or the churchwardens or overseers of his parish, be present, nor shall he be embarked for a fortnight after he has been bound. Any one finding trouble from the Clerks of the Peace on account of this order may appeal to the King if need be. *Signed,* Francis Gwyn. *Mem.*—This order was renewed 26 March 1686. [*Col. Entry Bk., Vol. XCVII., pp. 87-91.*]
- Dec. 13. **847.** "Narrative of the whole proceedings betwixt the Lord Baltimore and Captain William Markham, Deputy Governor, and William Penn, Esq., as also betwixt the Lord Baltimore and the said Penn." In April 1681 Penn sent Captain William Markham, his kinsman, to be his deputy, who came at the end of the following August to Maryland, with a letter from Penn to Lord Baltimore,

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and another from the King bearing date 2nd April. Lord Baltimore professed all readiness to obey the King's orders respecting the settlement of the boundaries. Markham, however, through the great heat, fell dangerously ill, and was nursed by Lord Baltimore for three weeks in his own house. In September he went to Delaware, and agreed that, on the 16th October following, he would take measures for ascertaining the fortieth degree of latitude, borrowing a sextile of six or seven foot radius from one Colonel Lewis Morris at New York. Having a long passage up Chesapeake Bay, Markham put off the time to the 26th October, and soon after falling ill again, put it off once more till the spring. During his illness reports were given out by many of the Quakers, both in Maryland and Pennsylvania, that the fortieth parallel of latitude would fall as low as Poole's Island in Chesapeake Bay, and it seems that Penn was so far possessed therewith that he made bold to write a letter of 16th September 1681 to various planters (*see ante*, No. 437 II.), that he was so confident that they lay within his bounds that they should pay no more taxes to Maryland. This so alarmed the inhabitants of Baltimore and Cecil counties that they immediately refused to pay their levies, which had been assessed by a law passed but two months before. Lord Baltimore thereupon ordered the military officers to help the sheriffs in the execution of their office, and with great difficulty the people were forced to pay the levy, though the actual recipients of the letter gave little credit to it, being assured that Penn was mistaken. The trouble, and indeed sedition, caused by this letter made Lord Baltimore the more anxious to have the bounds absolutely fixed, but Markham was reported to be still too ill. Some time after Lord Baltimore heard that one William Haigh, a Quaker, much employed by Penn, had taken observations at the head of Chesapeake Bay, which much dissatisfied the said Haigh; for by his observations, it was given out by the Quakers, if the fortieth parallel did not give Penn a harbour he would be forced to buy one of Lord Baltimore, or to let all ships enter and clear by Maryland. Shortly after, Haigh came to Lord Baltimore's house on Patuxet river, and owned in reply to questions that he had taken observations for his own satisfaction on Elk river, but withal pretended that his instrument was too small, and that there was no certainty. Lord Baltimore pressed no further, but told Haigh that he wished Markham were well, as he wished the boundary question to be settled for the peace and quiet of Maryland. On 14th May 1682 Lord Baltimore wrote a letter to Markham appointing the 10th June as the day whereon persons would meet him to settle the bounds; Markham answered that he would meet him without fail at Mr. Augustine Herman's plantation at Bohemia river, the appointed place. In consequence, however, of disturbances in Virginia at the time, Lord Baltimore thought it neither prudent nor safe to be far from the Potomac river, which the Virginian plant-cutters threatened to cross. He thereupon sent away Commissioners, who were punctual to time and place, but found no one there to meet them. They sent two letters express to Markham,

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who returned no answer, though both letters reached him, and as an excuse to get out of the way, pretended business at New York. After waiting for some days in vain, the Commissioners, for Lord Baltimore's satisfaction, made three several observations, in which they differed not above a minute or two. After this, being near Newcastle, they had a curiosity to see that town, and then they heard that a sloop had arrived from New York, bringing the instrument that Markham had borrowed of Lewis Morris. With some difficulty they obtained leave to use it, and on a very clear day, 27th June, they found the latitude of the town to be thirty-nine degrees forty odd minutes. They then returned, and there received letters from Markham that he was ready to come as soon as Lord Baltimore would appoint a second day. Lord Baltimore said that he would not fail to be at Herman's some time in September, but could not fix the actual day as two of his artists were ill; but on the 12th September he sailed and on the 14th found at Major Peter Sawyer's a letter from Markham, dated 8th, wherein he positively promised Lord Baltimore to await his coming. Lord Baltimore was satisfied, thinking that Markham would not be guilty of such discourtesies as he had offered to the Commissioners. On the 19th September Lord Baltimore reached Elk river, and apprised Markham that he was come. On the 20th he wrote again, and then, having certain information that Markham was gone up the Delaware, for the sake of his own convenience moved up with his companions, not above twenty in all, to Newcastle. There he stayed till the 23rd without news of Markham, though it was proved that Markham had received both his letters. On the 23rd Lord Baltimore took boat to Uplands and quartered himself in Markham's lodgings, where he heard that Markham on receipt of his first letter had gone on the 19th to Burlington in East New Jersey. On the 24th, very early in the morning, Markham came into the creek at Upland, and was not a little amazed to find Lord Baltimore there. About ten in the morning Markham came to see him, but with such a disordered countenance and such odd behaviour as was perceived by all. Lord Baltimore, without seeming to notice his confusion, asked to see his instrument, which he heard that Penn had sent him. Markham consented, but said that it could not be used, as Haigh had taken away some of the small glasses. Lord Baltimore then asked to see the instrument lent by Lewis Morris, which was produced by one Richard Noble, a Quaker, who set it up and took a very clear observation, as did also Lord Baltimore's artists. All agreed that by that instrument the latitude of Upland was thirty-nine degrees forty-seven minutes five seconds. Lord Baltimore then said that as the fortieth parallel would fall about twelve miles north of Upland it would be necessary to go up the Delaware to see where the line cut the river. Markham, however, who seemed to be governed by Haigh, declined, though on slender grounds, but professed himself ready to go up to the heads of any of the rivers in the bay to take the fortieth degree, and gave the undertaking in writing which Lord Baltimore can produce. On the 25th Lord Baltimore left Upland, and on embarking spoke to

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Markham in the presence of some forty persons, to the following effect: You are aware that by observations taken yesterday this plantation lies in $39^{\circ} 47'$ and some odd seconds, and that I am here, therefore, some twelve miles south of the fortieth parallel, which is my northern boundary. I therefore, in the presence of all persons here, lay claim to this and to as far north as the fortieth degree. Markham replied nothing, but conducted Lord Baltimore to his boat and assured him that he would be at Newcastle next day (26th) without fail, with Lewis Morris's instrument, that the degree of forty might be taken at the head of the bay. Lord Baltimore waited at Newcastle the 26th and 27th for Markham, but finding no hopes of seeing him returned to Herman's, where came a letter from Markham saying that the persons most concerned in the Government could not consent that he should keep his appointment, for that the Quakers were much disordered by Lord Baltimore's claiming Chichester, three or four miles below Upland. This was all that was done to carry out the instructions in the King's letter of 2nd April. Penn professed great readiness at first to obey it, but his agent laid it aside as soon as he found that it would not serve his turn.

About the 24th October following, Penn anchored before Newcastle in the Delaware river, demanded and took the key of the town, and took possession of all else that the Duke of York pretends to, though it has been justly claimed by Lord Baltimore and his father. Penn took not the least notice of the Duke's Governor at New York, and in writing to Lord Baltimore from Newcastle on 2nd November said nothing of what he had done, which Lord Baltimore thought strange, for Penn had told him that he had refused the Duke's offer of his claims on the Delaware, on the ground that by right they belonged to Lord Baltimore. On the 13th of December last, Lord Baltimore and Penn had a conference at Colonel Thomas Tailler's house at the ridge in Ann Arundel country. But before the conference, which Penn desired should be private, somewhat to the following effect was spoken by Penn, viz., That, as the King had given him a considerable tract of land to the backward of Lord Baltimore, he knew that such land was worthless to him without an inlet, and that he begged Lord Baltimore to be so good and kind as to give him a backdoor for the improvement thereof; adding that what be but a hundredth of Lord Baltimore's interest would be ninety-nine hundredths of his own. Lord Baltimore who wished to deal neighbourly with Penn answered that he supposed Penn required a speedy answer. Penn said No; and Lord Baltimore then suggested that their conference should be held in the presence of his friends and such of his council as were there, the matter being of interest to all of them. It was then agreed that all Penn's friends and six of Lord Baltimore's council should be present, and Penn began his discourse; in the course of which he pulled out a letter and handed it to Lord Baltimore as the ground of their future discourse. Lord Baltimore, perceiving it to be a letter from the King, read it out, and said that he found by the letter that the

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King had been misinformed and, in proof of his statement, read the bounds fixed by his patent. The conference lasted for some hours and was taken down in shorthand by the clerk of the Maryland Assembly, copied out fair, and read and signed by the Councillors present. And if Penn had not been hurried away by some Quakers of Maryland to a meeting, he would have had a copy of the conference with him, but, being in a hurry, he asked Lord Baltimore to send it after him, which was done. Lord Baltimore attended him to his meeting, and took his leave, and next day Penn went to another meeting at Choptank river in Talbot County whither Lord Baltimore had ordered Colonel Philemon Lloyd and his Major with a party of horse to attend him. Lord Baltimore and Penn are to meet in March to settle about the fortieth parallel. The King's letter produced by Penn bears date 19th August 1682, and makes mention of an admeasurement of two degrees and of a certain method of ascertaining the boundaries, but, on Lord Baltimore producing his patent, Penn proposed that the latitude of the Capes should be assumed to be $37^{\circ} 5'$, and that they should work in from this. This proposal seemed to the gentlemen present to proceed from an unwillingness to have the bounds ascertained truly and by proper instruments. In fact Penn, having been misinformed as to the fortieth parallel, and having assured all his friends that all the head of Chesapeake Bay would fall within Pennsylvania, is unwilling to have the mistake corrected. The mistakes of shipmasters, on whose reckoning the assumed latitude of the Capes is based, are so flagrant that they are not to be depended on. Penn told Lord Baltimore that both King and Council thought Newcastle lay eight or ten miles to northward of the fortieth parallel, whereas it is proved to be as much to southward. Penn's proposal therefore cannot be accepted. 8 pp. Signed, C. Baltimore. 4 pp. Endorsed. 13 December 1682. Annexed,

847. I. William Markham to Lord Baltimore. Upland, Pennsylvania. 25 September 1682. I cannot concur with you in marking out the boundaries of Pennsylvania on the Delaware, as I received all of it from twelve miles about Newcastle town upward from the government of New York, which is according to the words of the King's patent to Mr. Penn. I am willing to lay out the boundaries towards Chesapeake Bay. 1 p. Copy certified by Markham. Endorsed. Sworn before the Committee, 17 March 1684-85. [Col. Papers, Vol. XLIX., Nos. 126, 126 1.]

Dec. 13. 848. Duplicate of the foregoing narrative. 4 pp. Endorsed. 13 Dec. 1682. [Col. Papers, Vol. XLIX., No. 127.]

Dec. 13. 849. Minutes of the Conference between William Penn and Lord Baltimore at Colonel Thomas Tailler's house in Ann Arundel County. Mr. Penn declared in a very florid manner his neighbourly intentions, and produced a letter as the foundation of future discourse. Lord Baltimore (having read it).—I receive the King's

letter with respect, but as my patent shows he is misinformed. *Penn.*—In my petition I asked for five degrees in order to reach the lake of Canada as convenience for an inlet. We had better defer the King's letter and look to our patents. If Lord Baltimore will take $37\frac{1}{2}$ degrees for 38, and so run on to forty, I think the difference will be considerable. Had I coveted to take my commencement from Watkin's Point, as Lord Baltimore has allowed, I had possibly gained more considerably. *Baltimore.*—I will do all that is neighbourly, but I do not understand Mr. Penn. As the fortieth parallel is our boundary, surely the first thing to do is to lay that parallel down. *Penn.*—The King certainly ordered the line to be drawn, but why should we not consider other proposals? Mariners take the Capes at $37^{\circ} 5'$. Why not take that as our foundation and work from it? *Baltimore.*—My boundary is the fortieth parallel, and there is no way so certain of discovering it as by a sextant, which you have. *Penn.*—Then let us waive the King's letter, and take the foundation that I propose. I shall be content, and I doubt not that so worthy a gentleman as Lord Baltimore will make no effort to deprive me of my rights. *Baltimore.*—I expected no such discourse as this. May I ask, have you purchased the Duke of York's claims on the Delaware? *Penn.*—I have them, on conditions, by his gift. But we wander from the point, namely, our boundary. *Baltimore.*—Our boundary is the fortieth parallel. *Penn.*—And to find out that we cannot do better than begin at the Capes and call them $37^{\circ} 5'$. *Baltimore.*—My southern boundary was fixed by the King's Commissioners at Watkin's Point. Had they fixed it further north, my father might have been contented. My northern boundary is the fortieth parallel. *Penn.*—The Commissioners may have been mistaken. Instruments are delicate things. The shake of a hand may cause a wide error, whereas there is no such danger in respect of a place, the latitude of which is fixed by repute. *Baltimore.*—The surest method is to use proper instruments. Surely, Mr. Penn, you can trust your friends, who will work with mine. *Penn.*—I make no objection to Lord Baltimore's bounds, but I do think that a place of latitude of so many years standing, described in all maps, &c.—a man should be as cautious in such a case as in the choice of a wife. *Baltimore.*—Surely the more reason for determining the boundary by sextant, for the same will deceive neither of us. I have no objection to let anyone try your method, but I mean to rely on observations only. *Penn.*—I thank you, but I think my proposal the fairer. *Baltimore.*—I remember, Mr. Penn, that you once told me, in England, that you had refused all offers of the Duke of York's claims on the Delaware, as you knew that in reality they were mine. I hear that you have now taken them; may I ask upon what grounds? *Penn.*—Pray, Lord Baltimore, let us settle one thing at a time. *Baltimore.*—By all means. My patent is my guide. *Penn.*—I really think that, when you have a place of latitude of repute, it is the fairest way to measure from it. *Baltimore.*—The latitude of the Capes was taken by a sea-quadrant which no one will admit to be the most accurate means.

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Penn.—I cannot see that a sea-quadrant can have any greater prejudice for Lord Baltimore than for William Penn. *Baltimore*.—I say simply that an observation formerly taken with a sea-quadrant cannot be so accurate as an observation taken now of the fortieth parallel with a better instrument. *Penn*.—The operator with a quadrant had no interest when he took his observations. Surely it is better to accept it and work from it than to risk new errors. *Baltimore*.—Your method would be to heap error on error. Let the boundary be drawn and I doubt not but that we shall both be content. *Penn* (*after a feeble joke*).—I am quite content to take the measurement from a place of latitude of long repute. *Baltimore*.—Would it not be thought preposterous in England for me to proceed on the bare supposition that a place lies in $37^{\circ} 5'$, in order to find the fortieth parallel? *Penn*.—Let you name one and me another to take an observation of the Capes, and let us work from that. I value the land I claim only for its use as an inlet. *Baltimore*.—I am far from grudging you an inlet, but you cannot blame me for refusing to accept that for my boundary which is not. *Penn*.—If you would discuss the matter for a few minutes with me privately, I think we could arrange matters. *Baltimore*.—I desire no wrong to Mr. Penn. But let us choose two able men to find out the fortieth degree. Captain Connoway, for one, a good discreet able man. *Penn*.—No doubt he is a very knowing person, and I wish to free him first from aspersions cast on him. *Baltimore*.—I know not what has been said against him, but I assure you it had no effect on me. *Penn*.—In England they said that of the map of Maryland that the author had either abused you by miscalculation, or given you more than you were entitled to. *Baltimore*.—Then let the sun decide the boundary, the fortieth degree as my patent says. *Penn*.—But now you set your patent against the King's letter. *Baltimore*.—Would not you in my place? *Penn*.—It may be that I should, but I have consented to waive the letter. Come, let us appoint some persons to take the latitude of the Capes, and see how much it varies from the received latitude, find the latitude of Watkin's Point, and measure from those data. *Baltimore*.—For your private satisfaction by all means. *Penn*.—I beg that we may arrange this between ourselves. *Baltimore*.—On condition that an observation be first taken as the King directed. *Penn*.—If you would but discuss it with me privately I doubt not that we could agree. *Signed*, Philip Calvert, Thomas Tailler, Henry Course, Henry Darnall, William Digges, Will. Steevens. 6 pp. *Copy certified by Lord Baltimore. Endorsed. [Col. Papers, Vol. XLIX., No. 128.]*

Dec. 13. **850.** Duplicate of foregoing. 4 pp. [Col. Papers, Vol. XLIX., No. 129.]

Dec. 13. **851.** Minutes of Council of Virginia. Order discharging John Sackler, and giving him pardon for his late offences in the riots, on condition that he build a bridge over the Dragon swamp.

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Order respiting the pirates William Harrison and John Manly pending receipt of the King's commands. [Col. Entry Bk., Vol. LXXXIV., pp. 134-135.]

Dec. 15.

852. Minutes of Council of Virginia. Order for the delivery of 583 forfeited deer skins to Colonel William Cole, the King's receiver. [Col. Entry Bk., Vol. LXXXIV., pp. 135-136.]

Dec. 15.
Whitehall.

853. Instruction to Lord Culpeper. All fines and forfeitures are to be granted first to the King. All grants intended as presents to Governors must be made to the King with a prayer to him to bestow the same on them; nor shall the money be paid without the King's consent. *Mem.*-The like instruction was sent to Sir T. Lynch and Sir R. Dutton. [Col. Entry Bk., Vol. XCIX., pp. 186-187.]

Dec. 15.
Whitehall.

854. Order of the King in Council. That the petition of Captain Christopher Billop praying that certain negroes taken in the ship Providence be restored by Sir William Stapleton, be referred to the Attorney-General and King's Advocate for their report. *Signed*, Francis Gwyn. [Col. Entry Bk., Vol. XLVII., p. 95.]

Dec. 15.
Whitehall.

855. Instructions to Sir Ralph Dutton. No Act or Order for raising money is in future to be passed in Barbados, wherein such money shall not be granted to the King for the uses named in the Act, according to the English style of enactment. Presents to Governors must likewise be granted to the King with the humble request that he will give the money to them. This instruction is to be entered in the books of the Council and Assembly. *Countersigned*, L. Jenkins. [Col. Entry Bks., Vol. VII., p. 150-151, and Vol. XCVII., pp. 114-115.]

Dec. 15.

856. The Clerk of Assembly of Barbados to William Blathwayt. Forwarding Minutes of Assembly from 8th August to 31st October; the quarterly return. *Signed*, Ri. Cartwright. $\frac{1}{2}$ p. *Endorsed*. Reed. 26 Feb. 1682-83. [Col. Papers, Vol. XLIX., No. 130, and Col. Entry Bk., Vol. VII., p. 183.]

Dec. 16.

857. Journal of Lords of Trade and Plantations. The merchants of Jamaica to be consulted as to the Act for settling the Island. Act for maintenance of ministers approved absolutely, and the Governor to be ordered to pass a supplemental Act providing that the Minister shall always be of the Vestry. Act declaring the laws of England to be in force referred to Chief Justice North, with a request to draw an Act on the subject that may be confirmed by the King. Act for regulating fees referred in part to the Commissioners of Customs; Lord Chief Justice North to amend the provision inflicting double costs on the Attorney-General.

Ordered that Sir William Stapleton be directed to make laws for the Leeward Islands in the same form as those of Barbados and Jamaica.

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Draft of a letter to Sir R. Dutton approved. [Col. Entry Bk., Vol. CVII., pp. 93-94.]

Dec. 18. **858.** Memorandum. The Lords of Trade and Plantations recommended that a duplicate of Lord Culpeper's Commission and of the warrant for an allowance to the Deputy Governor should be sent to Sir Henry Chicheley, which was accordingly done. [Col. Entry Bk., Vol. CVII., p. 94.]

Dec. 18. **859.** William Blathwayt to Lord Chief Justice North. The Lords of Trade and Plantations have perused an Act from Jamaica declaring the laws of England in force, as also a clause formerly proposed by yourself to the same purpose. They now desire you to furnish a report on the inconvenience that may arise from continuance of the said Act, and to submit a draft of an Act in its stead. In another Act from Jamaica there is a clause obliging the Attorney-General to pay the defendant double costs of suit if he do not recover according to his information. My Lords desire you to frame a proviso thereon for the safeguard of the King's service. [Col. Entry Bk., Vol. XXX., pp. 77-78.]

Dec. 20. **860.** Sir William Stapleton to Lords of Trade and Plantations. Nevis. For my own justification I annex certain documents relating to Captain Billop's trial, and some few depositions respecting his carriage since I last wrote. He has taken upon himself to relinquish seizures, detaining his own share without any trial, to take guns from an interloper in Antigua, to compound with some for inconsiderable sums, and to break open chests and take money from them. He has so frightened the people here that they durst not go about their lawful avocations in ships and sloops while he remained here. He has run away from the King's colours, and I thought it was felony by common and statute law to run away from the King's colours. I could have sent you affidavits of all these things, but that I fear the imputations of malice. I beg for an order for my salary for myself and for the two companies at St. Christophers. They are still three years in arrear and I some months longer, to say nothing of my arrears in Sir Tobias Bridges' regiment. I am out of purse for shrouds for the dead and cure of the wounded, for minding their arms and giving them credit in merchants' storehouses. I beg that if I am not paid according to the muster rolls of that regiment (as has been the rule in all ages) I may at any rate receive consideration for these contingent charges, and at least for my ensign, who fell wrapped in my colours after the staff was shot in my own hand. I have received the Order in Council forbidding Governors to come home without leave. I always thought it was death to quit one's post. Those that offer to do it must be most ignorant and presumptuous. If it be a capital crime for sentinels, I am sure that it ought to be not less for Governors. I should otherwise have been at Billop's heels to prevent his clamours and groundless aspersions, which were occasioned only by my endeavours to check his evil practices. I received a kind check from you once for not securing the Tobago

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negroes and not taking them from Captain Haddock. I paid dearly to the Dutch agent for it. Your orders respecting Brunet's ship shall be executed as soon as I can send to St. Christophers. Some time since I got a journal from one of the South Sea privateers who came here from St. Thomas, also a map, in Spanish, of that coast, which I thought it my duty to send you. I have got the map translated in case this should miscarry. I also send an answer to the petition of Benjamin Middleton, and the Acts and Proceedings of the Assembly. I beg your vindication against so vile-mouthed a man as Billop. I knew that his covetousness and impudence would leave no stone unturned against the character even of the most innocent. I regret to inform you that the heathen crew of seven periagos landed in Montserrat on 13th November last, in a remote place inaccessible to the boats of any Christian enemy, killed two boys, burned a sugar factory and carried off a few negroes. They have not landed in Montserrat with success since the French took them there in the war. I should have been with them before now, but for the want of a vessel and for the King's orders to Sir Richard Dutton. As soon as I can get provisions, which are very scarce, I shall, please God, be after them, if only in shallops.

Holograph. Signed. 2½ pp. Endorsed with a long précis. Reed. 26 Feb. Read 8 March 1682-83. [Col. Papers, Vol. XLIX., No. 131, and Col. Entry Bk., Vol. XLVII., pp. 80-83.] Annexed,

Further depositions respecting the embezzling the cargo of the ship Providence.

860. i. Deposition of John Chinn taken before Joseph Jory 8th July 1692. 1 p. *Endorsed.* Reed. 26 February 1682-83.
860. ii. Deposition of George Crust taken before Sir William Stapleton. July 10. 1½ pp.
860. iii. Depositions of John Casey and Matthew Soley, taken by Joseph Martyn. 12th July. ½ p. *Endorsed.* Reed. 26 February 1682-83.
860. iv. Further deposition of George Crust taken 12th July 1682. 1 p. *Endorsed as the foregoing.*
860. v. Extract from the Minutes of Council of New York. Deposition of Daniel Johnson of the sloop Compliance as to his arrival from Nevis with part of the spoil of the Providence. *Certified copy.* 1 p. *Endorsed as No. III.*
860. vi. The deposition of Captain Tristram Stephens taken before Sir William Stapleton 19th December 1682. ½ p. *Endorsed,* Reed. 26 Feb. 1682-83.
860. vii. Deposition of John Poynton, taken as the preceding. *Endorsed as preceding.* ½ p. [Col. Papers, Vol. XLIX., Nos. 131, 131 i.-vii.]

Dec. 21. 861. The Secretary of Jamaica to Lords of Trade and Plantations. Transmitting Minutes of Council from 14th August to 14th November 1682. *Signed,* Rowland Powell. [Col. Entry Bk., Vol. XXX., p. 140.]

St. Jago de la Vega.

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Dec. 21.

862. Extract of a letter from the Register of Scotland to Sir John Werden. I wrote to you formerly of our desire, who are proprietors of East Jersey, to have our Government rather holden by charter of the Duke of York, as it is at present by transmission of our authors, without any augmentation of our privileges, but only to be under the Duke's immediate protection. *Printed in New York Documents III., 329. [Col. Entry Bk., Vol. LXXX., p. 40.]*

Dec. 22.

Whitehall.

863. Lords of Trade and Plantations to Sir Richard Dutton. We have received yours of 29th August, reporting the passing of the Act for an impost on imported liquors, enacted according to the style of such laws in England. We have represented this to the King as a special service, but we are surprised that we have received no copy of the Act. Your leave of absence is granted on half salary. As to the Assembly's present of 1,500*l.* to you, though we doubt not that you deserved it, the King has issued a new order respecting such gifts (*see ante*, No. 832). As to Colonel Codrington's fine, you will levy the money, Colonel Codrington being left to recommend himself to the royal favour by his future good conduct. We approve very highly your discovery of charitable gifts and legacies, and your devotion thereof to the objects intended by the founders; also your success in obtaining a vote from the Assembly for building a magazine. We desire you to return us as soon as possible a survey of the Island and of its inhabitants, according to the scheme enclosed, also transcripts of all laws, and of the Assembly and Council Books. *Signed*, Radnor, Ormond, Beaufort, Sunderland, Craven, Conway, L. Jenkins, J. Ernle. *[Col. Entry Bk., Vol. VII., pp. 147-150.]*

[Dec. 22.]

864. Petition of M. de Chambré to the King. In 1666 the French having taken the Island of St. Christophers permitted the English to sell their estates. Petitioner purchased a plantation from one Freeman and enjoyed possession quietly for nine years, but for some years past, he has been disturbed in his possession by the officers of the Island, who upon false pretences seize his goods. Prays for orders to the Governor that he may be permitted to enjoy possession unmolested. *On the side.*—A reference of the foregoing to the Lords of Trade and Plantations for their report. *Signed*, L. Jenkins. Whitehall, 22nd December 1682. *[Col. Papers, Vol. XLIX., No. 132, and (reference only) Col. Entry Bk., Vol. XLVII., p. 73.]*

[Dec. 22.]

865. Duplicate of foregoing. *[Col. Papers, Vol. XLIX., No. 133.]*

[Dec.]

866. A relation of the circumstances that led to the purchase of a plantation in St. Christophers by Mons. de Chambré from Mr. Freeman. After the conquest of the Island by the French in

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1666 Freeman sold the plantation to De Chambré. On the restitution of the Island to the English Freeman found that, according to the articles of Breda, he could not reimburse the improvements. He thereupon published a protest whereby he demanded the estate, alleging that it was in much worse condition than when he sold it, that the sale was forced, and that he received nothing for it. The matter came before the Commissioners of the two nations, and the French Governor demanded that Freeman should give satisfaction for the wrong done by his caluny. The cause was then referred to the two Generals, and then to the two Kings. The business has now dragged on for years, and De Chambré is continually molested. He now prays justice from the King; and if judgment should be given against him prays for liberty to alienate his possessions to the King's subjects. *French.*
Unsigned. $2\frac{1}{2}$ pp. *Endorsed in French.* *Annexed,*

- 866. i. Translation of the foregoing into English. 7 pp.
- 866. ii. The Contract of Sale between De Chambré and Freeman, dated 2nd June 1666. *French.* $2\frac{1}{2}$ pp. *Endorsed.*
- 866. iii. English translation of the foregoing. $4\frac{1}{2}$ pp.
- 866. iv. The case as submitted to the two Kings. *French.* $6\frac{1}{2}$ pp. *Endorsed in French.*
- 866. v. English translation of foregoing abridged. $1\frac{1}{4}$ p.
- 866. vi. A memorandum of what is to be done for De Chambré's case in England. *French.* $1\frac{1}{4}$ pp.
- 866. vii. English translation of the preceding. $2\frac{1}{2}$ pp.
- 866. viii. Summary of the whole business in English. 2 pp.
[Col. Papers, Vol. XLIX., Nos. 134, 134 i.-VIII.]

Dec. 23.

867. Minutes of Council of Virginia. Proclamation ordering the sheriffs to collect the King's quit-rents in the respective counties. 1 p. *[Col. Entry Bk., Vol. LXXXIV., p. 141.]*

Dec. 30.
Portsmouth.

868. Governor Cranfield to Lords of Trade and Plantations. By my letters from Boston I told you that I was well received here. Finding the Council and inhabitants possessed of large tracts of land claimed by Mr. Mason, and resolved to defend their right, I thought it best not to make myself a party by appearing on Mason's behalf, but referred the matter to a decision at law, and made it my business to try to bring about a peaceable settlement. At the rising of the Assembly in November I passed their laws and made them sensible that I obliged them thereby. They also seemed to be affected by the fact that the King, in spite of Mason's complaints and Randolph's, had kept the Council intact, and made protestations of obedience in future. I was therefore induced to believe that they were in earnest, dismissed Mason's charges against Waldern and Martin, and writ to you in their favour. Let it not surprise you that my mind is totally changed. All of the late Council and chief inhabitants are part of the grand combination of Church members and Congregational Assemblie throughout New England, and by that they are so much obliged that the prejudice of any one, if considerable, influences the whole party. About

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August last the President and Council admitted a Scotch vessel belonging to one Jefferies, a Scotchman and Church member here. She was ordered to be stopped and the case was tried. There were four leading Church members on the jury, and the verdict was against the King with costs. I have taken strong measures against Stileman for letting the ship escape, and shall prosecute with vigour all concerned therein. When you gave me my commission you had an idea that on my arrival the illicit trade complained of by Randolph would be wholly discountenanced. His Majesty's ship Lark cowed them for a time, but as long as the preachers exert themselves against the royal authority, I know not where to turn for honest men to administer justice. The other day a gentleman brought an action against a Church member. The jury found for the plaintiff, but the Court refused to accept the verdict. So the preachers take care of each other. I cannot carry on the Government without power to remove those preachers who set themselves up against it, and also until the province of Maine across the river is annexed to it. *Signed*, Ed. Cranfield. *Postscript*.—The jury in the case of the George has asked for leave to amend their verdict, having evidently some dread of the consequences. As it was not recorded, I consented, and the vessel, though out of our possession, is now condemned. This, I think, will terrify succeeding juries from adhering to the malignant party and going against law and evidence in future, which, were it not for fear of punishing their purses rather than burdening their consciences, they would not stick to do. I am sorry to find the actions of the people so far short of their first professions, but this change of tune in me is not due so much to my neutrality as to the people's want of loyalty. They have been in a confederacy to carry this cause against the King; but I doubt not in time to reduce them to reason. The Assembly is now sitting. I doubt whether I shall be able to persuade them to make provision for the support of the Government, and I therefore judge it imperative that I and the Council should be empowered to impose an excise on wines and spirits not exceeding 1,000*l.* a year. *Signed*, Edw. Cranfield. *3 pp. Endorsed*. [Col. Papers, Vol. XLIX., No. 135.]

Dec. 30. **869.** Duplicate of foregoing. 4 pp. *Endorsed*, Rec. 10 May 1682-83. [Col. Papers, Vol. XLIX., No. 136.]

Dec. 30. **870.** Edward Randolph to Lords of Trade and Plantations. On New Hampshire. the arrival of Governor Cranfield I expected to find the people conform to the Acts of Trade and Navigation, the Governor having particularly pressed it on them. On this, in spite of many repulses received here and at Boston, I was encouraged to proceed against a Scotch vessel, the George, which came into this river last August with a considerable cargo, and though qualified in no one point by the Acts, was admitted. Finding that she had no certificate that she was English built I seized her on October 23rd and informed the Governor. He at once gave Captain Stileman orders not to let her pass the fort without order, and appointed a special court to

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try the case at Portsmouth on 21st inst.; and care was taken to summon persons well versed in maritime affairs to the jury. But notwithstanding the Governor's care the ship was allowed to pass the fort and escape. The case was adjourned till the 29th instant, when the officer in charge of entries swore that she brought no certificate as required by law; but the jury encouraged by the example of Lord Shaftesbury's jury at the Old Bailey (a leading precedent to the facts here) gave a verdict against the King with costs. The Governor highly resented this, being a contrivance of the principal minister Stileman, Jefferies, the pretended owner of the ship, and four of the leading men of the jury. So that the King's clemency and the Governor's moderation have produced little effect. The Governor, however, who is determined to enforce the Acts, has suspended Stileman the Council, put him out of the fort (wherein he has placed Captain Walter Barefoot) and declared him incapable of holding any place of trust. He has also directed me to prosecute all that were concerned in the vessel's escape and has written to all the Governors of the West Indies and the consuls of Madeira, Fayal, &c., to seize the ship and cargo, and send master and men here to be prosecuted for running away with a ship seized for the King. He is resolved to awe this combination, which is carried on against the King's authority by one Moody, a minister, who makes great profit out of it. I hope to find a jury that will do its duty honestly at my next trial. If they find for the King in the attaint of the last jury I shall catch some of the worst offenders in the matter of the George. But so long as Boston goes unpunished for like misconduct of juries these may hope to escape. Without it, it will be difficult for the Government here to enforce the laws, for there are two small creeks on the Maine side of the river where prohibited goods can be covered and secured. It is essential that the Bostoners should be brought to account for the escape of forfeited goods and vessels. *Signed, Ed. Randolph. 1 $\frac{1}{2}$ pp.*
Endorsed. Recd. 18 May 1683. [Col. Papers, Vol. XLIX., No. 137.]

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871. Report of the Lords of the Treasury on the Earl of Kinnoull's case. The Earl has letters patent under the Great Seal for the propriety of the Island of Barbados, on the surrender of which the King by Order in Council of 13th June 1663 ordained that he should receive for the seven years next following the sum of 500*l.* per annum, and at the end thereof 1,000*l.* per annum for ever. Not a penny of the 500*l.* per annum has yet been paid; but though His Lordship's claim to that and to the 1,000*l.* is good, we cannot advise the King in the present state of the Island to discharge any of the arrears of the 500*l.* or payment in full of the 1,000*l.* but only 500*l.* per annum for five or seven years to come till the Island's revenue have discharged the encumbrances on it, after which the full 1,000*l.* may be paid and the arrears also claimed. Which conditions we hope that Lord Kinnoull will accept considering the many payments to be made out of so strait a revenue, which were contracted for the defence of the Island.

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Copy. 1½ pp. Undated. Endorsed. [Col. Papers, Vol. XLIX., No. 138.]

872. Deposition of Simon Calderon, of Santiago, Chili, mariner. Deponent sailed for Panama in the ship Rosario with a cargo of wine, &c., and twenty-four souls, crew and passengers, aboard. Off point "di Cabo" encountered the ship La Trinidad, took her for a Spaniard but found her to be a pirate. In the first three shots the pirates killed the captain, Juan Lopez, of the Rosario, boarded her, took the wine, silver, and everything of value, and put the Spaniards to torture to discover if there were more silver. Then they turned the vessel adrift with sails cut, and taking five or six of the crew, deponent among them, sailed for the Island of La Plata, refreshed there for three days, killed one of the Spaniards, flogged another, and then sailed to Payta where they sent two boats ashore with thirty-two men. Meeting with resistance then returned, and the ship entered the straits of Magellan but did not go through them, but returned from Tierra del Fuego. They entered the North Pacific after nine days, and arrived at Barbados, where, finding an English man-of-war; they divided their spoil, four hundred pesos to each of the sixty-four men. From Barbados they went to Antigua where they were subjected to molestation, so they divided and went some to Nevis and others to London, about eighteen with a vessel under Captain Portin, and eight others, the principals, went in the ship Comadressa Blanca, Captain Charles Howard. Two of the principal pirates were called Captain Sharp and Gilbert Dike. Deponent left them at Plymouth; last heard that they went to buy a ship to return to the same piracy.

Spanish. 1½ pp. Undated. Endorsed, "Relation of the South Sea men." [Col. Papers, Vol. XLIX., No. 139.]

873. Rough draft of an answer to Mons. de la Barre's memorial. *English. 2 pp. Inscribed on opposite page, "Qy. whether this answer ought not to come more properly from the Deputy Commissioners." Endorsed, "Answer to abstract of Mons. La Barre's letter." [Col. Papers, Vol. XLIX., No. 140.]*

874. Account of the Iroquois Indians. The Iroquois, so called by the French, to the northward of Manhattens (now New York) and west of Orange (now New Albany) are the most warlike Indians in North America, seated in a tract of land west from Albany to the south of the lakes of Canada. But they also bear several other names and places of abode, as, *e.g.*, the Maquas (so called by the English) or Mahaks live about twenty-five leagues from Albany, in three stockaded castles about four or five leagues apart. The Oneidas live about thirty leagues more west and have but one castle. The Onandagas live about ten leagues further and have but one castle, near lake Ontario. The Coyonges are about fifteen or twenty leagues further, but more southerly and further from the lake, and have three castles in great settlements but not fortified, distant four or five leagues. All these have missionary

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jesuits from Canada (which jesuits are also in remote parts), and all have distinct sachems but were never at variance. Their language is the same, though with slight differences, as in the provinces of a European kingdom. Other neighbouring Indians have several different speeches, not understood of each other. The Senecas have hunting grounds on the north of Lake Ontario, which lake is reputed to be near one hundred French leagues long and twenty-five broad and very deep. On the lake the French have had for ten years and more a vessel of about twenty tons with sails, and a lighter that tends on a small fort built by Mons. Lasalle at the north end of the lake, from whence it is about sixty leagues to Mount Royal, in which space are about thirty cataracts or falls, not navigable, and sixty leagues to Quebec, navigable. There is usually about fifteen or twenty men kept in Cateoroquy. The lake is fifty to fifty-five leagues from Albany. The Indians aforesaid have always been on good terms with Albany, and have been understood to be as other neighbouring Indians on this side the Lake's dependence, and part of the government. Indeed, they own as much themselves and have not been otherwise treated for many years. But they, and especially the Maquas, had continued disputes and war with the French in Canada till about the year 1668, when the French made two inroads into the country. The first was made with about five hundred men, who were compelled to retreat with loss ; the second was with a thousand or more men, who took the Indians by surprise and burnt their castles. Then they agreed on peace, which has endured ever since as a free trade to Canada, where they sell the Indians all sorts of goods and liquors, including arms and ammunition. In 1675 these Indians made application to the Governor at Albany, and, the New England war with the Indians being very violent, the Governor resolved to go himself as far as the Maquas settlements to visit them as part of his government. He went to their farthest castle and was well received. He afterwards sent as far as the Senecas, who obeyed his orders and proved very faithful. The Maquas were the first that beat Philip, Sachem of New England, who had ventured that way in the hope of joining them or others. They drove him back to the New England coast and would have pursued him further if suffered. The Iroquois are seated at the back of the King's plantations and at the head of the rivers as far west as Virginia and eastward nearly to Albany. On part of the land Christians have made settlements or improvements on land purchased from the Maquas within Stanextady and Albany's bounds in New York government, and their habitations are about in the latitude of Mr. Penn's settlement. All the Indians in those parts are great hunters of all beasts and fowls which (except beavers) they kill mostly with fire-arms ; they trade with Christians for what they want and are supplied by them with arms and ammunition in all the King's plantations. If Indians were debarred from any one Colony, that place would not only lose the trade to the benefit of its neighbours, but would run great risk from the discontent of the Indians by petty injuries or open war, which would be very

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prejudicial to the Duke of York and all the English. Indeed, in the New England war with the Indians, all those countries might have been destroyed had not New York retained an influence over these Indians both as governor and trader. *Undated and unsigned.* 2½ pp. [Col. Papers, Vol. XLIX., No. 141.]

875. Brief for the defence in the case of Jacob Milborne against Sir Edmund Andros, an action for assault and unlawful imprisonment. *Broad sheet.* 1 p. Printed in *New York Documents*, Vol. III., pp. 300–301. [Col. Papers, Vol. XLIX., No. 142.]

876. Duplicate of foregoing. [Col. Papers, Vol. XLIX., No. 143.]

877. Petition of William Downing, agent for Newfoundland, to the King. On 11th October last the Lords of Trade and Plantations made an order for the settlement of Newfoundland with government and fortifications. It is now announced that the inhabitants, despairing of redress, have bought ships in which to fly from the Colony on the first alarm of war, while others say that they will throw themselves on the French for protection. Prays a speedy conclusion of the settlement. 1 p. *Undated.* [Col. Papers, Vol. XLIX., No. 144.]

878. A list of the laws of New England repugnant to the laws of England. 5 pp. *Endorsed.* [Col. Papers, Vol. XLIX., No. 145.]

879. Abstract of records of all the grants of land made in South Carolina in 1682 in continuation of those abstracted in 1681 (see *ante*, No. 356).

Persons Names to whom granted.	Number of Acres.	In what County, Parish, or Township, or on what River or Creek granted.	Date.
Richard Baker - - -	297	Ashley River -	23 March 1682.
Thomas Cater - - -	100	Ashley River -	" "
John Boone - - -	Town lot	- - -	10 March 1682.
Mary Greener - - -	70	Ashley River -	5 April 1682.
Robert Gibbes - - -	214	Ashley River -	1 March 1682.
John Ladson - - -	500	Ashley River -	5 April 1682.
Thomas Clouter - - -	360	Cooper River -	26 July 1682.
Robert Gibbes - - -	Town lot	- - -	1 March 1682.
John Greene - - -	100	Wappoe Creek -	" "
Joseph Pendarvis - - -	Town lot	- - -	5 April 1682.
Peter Hearne - - -	10	Wappoe Creek -	26 July 1682.
Arthur Middleton - - -	Town lot	- - -	3 March 1682.
Richard Codner - - -	Town lot	- - -	1 March 1682.
Edward Wilson - - -	100	Stono River -	5 April 1682.
Joseph Oldys - - -	Town lots	- - -	26 July 1682.
John Godfrey - - -	330	Wandoe River -	23 February 1682.
Francis Gratia - - -	Town lot	- - -	23 March 1682.
Thomas Rose - - -	Town lot	- - -	10 March 1682.
John Browne - - -	Town lot	- - -	26 July 1682.
Maurice Mathews and James Moore - - -	Two Town lots	- - -	" "

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Persons Names to whom granted.	Number of Acres.	In what County, Parish, or Township, or on what River or Creek granted.	Date.
William Cawley - - -	—	Ashley River - - -	5 April 1682.
Robert Maltey - - -	Town lot	- - -	23 March 1682.
John Bodecut - - -	160	Ashley River - - -	1 March 1682.
William Balley - - -	70	- - -	" "
Michael Lovering - - -	Town lot	- - -	6 March 1682.
Joseph Thorowgood - - -	3,000	Oolacoll Creek - - -	4 September 1682.
Andrew Percivall - - -	2,000	Ashley River - - -	26 July 1682.
John Clapp - - -	Town lot	- - -	17 August 1682.
Thomas Bewick - - -	280	Branch of Stono River - - -	" "
John Powell - - -	Town lot	- - -	1 March 1682.
Jonah Lynch - - -	780	Cooper River - - -	20 June 1682.
Stephen Fox - - -	1,350	Stono River - - -	" "
Robert Mayo - - -	Town lot	- - -	2 March 1682.
Barnard St. Krenckingh - - -	270	Cooper River - - -	23 June 1682.
John Browne - - -	Town lot	- - -	26 July 1682.
Sir Peter Colleton - - -	12,000	Cooper River - - -	12 February 1682.

[Col. Entry Bk., Vol. XXIII., pp. 3-4.]

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Jan. 4.
St. James'.

880. Sir John Werden to the Lord Register of Scotland. I am directed to ask further explanation of the proposal in your letter of 21st ultimo (*ante*, No. 862), that is, whether the proprietors of East New Jersey desire to join with New York as heretofore, send representations to the Assembly and share the expense of Government, or whether they desire to have their government held in New Jersey by charter of the Duke of York. Also is "under the Duke's protection" to be understood only of the Duke's confirmation of their rights and possessions there as derived from Sir George Carteret's grant? Pray appoint some fit person empowered to answer such objections as may be laid before him. *Printed in New York Documents, Vol. III., p. 330. [Col. Entry Bk., Vol. LXX., p. 40.]*

Jan. 4.
St. James'.

881. Sir John Werden to Lieutenant Brockholes. The Duke has appointed Colonel Thomas Dongan to be Governor of New York. *Printed in New York Documents, Vol. III., p. 330. [Col. Entry Bk., Vol. LXX., p. 41.]*

Jan. 6.
Whitehall.

882. William Blathwayt to Henry Guy. My Lords desire the opinion of the Commissioners of Customs on an Act of Jamaica, wherein certain fees are allowed for the entry and clearance of ships, and other things relating to the trade of the Island. *Draft. ½ p. [Col. Papers, Vol. L., No. 1, and Col. Entry Bk., Vol. XXX., pp. 91, 92.]*

Jan. 10.

883. Petition of James Guiball and other French gentlemen to the King. We are Protestant refugees. We beg for free passage and provisions for fifteen men in one of the ships bound for America. We are unable without assistance to go to Virginia and earn our bread and found a new Colony. We beg also immunity

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for seven years from taxes or impositions on lands that we may cultivate there. *Signed*, Guiball, [Abraham] Audouy, J[acob] Baillergeau, Dumont, I[saac] Veyrel, D[aniel] Bernard, [Theophile] Morin, P[aul] de Rosemond, [Henry] Delaplace. 1 p. *Inscribed and endorsed*. Read in Council 10 Jan. 1682-83. Read at Committee 20 Jan. 1682-83. Recommended to the Governor of Jamaica. [*Col. Papers, Vol. L., No. 2.*]

Jan. 10.
Whitehall.

884. Order of the King in Council. Referring the foregoing petition to the Lords of Trade and Plantations for report. [*Col. Entry Bk., Vol. XCVII., p. 92.*]

Jan. 10.
New Hampshire.

885. Governor Cranfield to Lords of Trade and Plantations. My last was from Boston, where I spent time enough to pry into some of the secrets of the faction. Upon my dealing plainly with them in reference to their affairs at Court they told me that they had deserved the King's displeasure by their passion and precipitation, and that if a *quo warranto* were brought against their charter they would be at no further charge to make defence, but must make full submission to the King. If the King should send a *quo warranto* to Mr. Randolph, and show the governor, magistrates, and General Court that with one hand and a general pardon with the other, I have good assurance from both parties that without further trouble they will swallow all that is in my commission. It is absolutely necessary that the Governor shall have power to place or displace preachers. They have so much influence and are so turbulent that I shall not be able to govern even this small place without that power. I beg that my Commission of Admiralty may be immediately enlarged to include all the coast from Kennebec in Maine to Fairfield in Connecticut, in order to prevent interlopers from prohibited ports, also that I may be empowered to grant passes to all ships that sail from these parts, to secure them against the Algerines. There is no clause in my commission for raising taxes for the support of Government, which I beg may be declared in these words, "for support and maintenance of the Governor and Government," for the Assembly would otherwise construe it as referring only to the support of the Government, without any relation to my subsistence; for I find these people very critical in all their words and expressions, and ready to take every advantage against the royal prerogative. There are several Scotsmen here, who live here, and are great interlopers, and bring in quantities of goods from Scotland. I beg for the Attorney-General's opinion whether a Scotsmen born can be permitted to inhabit and trade as a merchant or factor. They pretend a right thereto as born within the allegiance of the King, but I conceive that the Act of 12 Car. II. gives them no such privilege. Mr. Randolph will have given you an account of the Scotch vessel which was seized here. Mr. Mason expected the people to have turned tenants to him at his first arrival, but he now finds the perverse temper of some of them who are influenced by Waldern and Moody, whom at my first coming I charitably judged to be

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better men than I now think them. These men have persuaded them that the King can give a final judgment against them without a preliminary trial on the spot, as directed by the King's letter to the Bostoners, which these his stubborn opposers depend on. All this is only to gain time, and I am therefore of opinion that an order should be directed to me to admit of trials between Mason and the terre-tenants as in the Boston Colony, and then they will come to his terms rather than be at the charge and trouble of defending a bad title and answering his appeals in England. As to other matters in Boston Mr. Randolph, who knows the humour of the people, can doubtless inform you. He has had great difficulties, but they will soon be over, if he have the same assistance in other places as I shall be able to give him when my Commission of Admiralty is enlarged. The Assembly is sitting, but I doubt my ability to induce them to provide for myself and for the Government. It is essential for myself and the Council to have power to raise money to the extent of 1,000*l.* a year by excise. *Signed*, Edw. Cranfield. $3\frac{1}{2}$ pp. *Endorsed*. Recd. 10 May. [Col. Papers, Vol. L., No. 3.]

Jan. 10. **886.** Duplicate of foregoing, similarly endorsed. [Col. Papers, Vol. L., No. 4.]

Jan. 10. **887.** Minutes of Council of Virginia. Lord Culpeper communicated certain of his instructions. Order for proclamation requiring justices and churchwardens to return abstracts of their parish levies. Ordered, that Somerset Davies, John Cockin, Richard Baily, and Bartholomew Austin, be committed for treason and tried at the next General Court. List of three charges of misusing records and of disobedience that can be proved against Robert Beverley.

Jan. 11. Colonel William Byrd sworn of the Council. The Governor informed the Council that the King expected of them an account of the country since August 1680, an account of its present state, and recommendations for the future. The Governor communicated his instructions respecting foreign coin. Order for proclamation that the value of pieces of eight is to be six shillings, and of smaller pieces in proportion. Order for survey of stores and hiring a war vessel. Proclamation for enforcement of certain laws. [Col. Entry Bk., Vol. LXXXIV., pp. 153-155.]

Jan. 12. **888.** Journal of Lords of Trade and Plantations. Sir Thomas Lynch's letter of 8th October read (see No. 745), with the Act of Impost and an Act for soliciting the affairs of the Islands enclosed therewith, with which the Lords were much satisfied. Acts of Jamaica proceeded with and approved; one to be amended; those respecting quit-rents, militia, and maintenance of the militia referred to the Attorney-General. *Mem.*-List of Bills received from Barbados, and of other documents received from Jamaica. [Col. Entry Bk., Vol. CVII., pp. 97-100.]

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Jan. 12.
Council
Chamber.

889. William Blathwayt to the Attorney-General. Transmitting copies of the Jamaican Acts for quit-rents, for the militia, and for the ministers, together with the Lord Keeper's drafts of a Bill touching the laws of England, for his opinion and report. [Col. Entry Bk., Vol. XXX., pp. 101-102.]

Jan. 12.
Whitehall.

890. Order of the King in Council. A petition was read from Christopher Jeaffreson setting forth as follows. The King bountifully allowed 1,500*l.* to be distributed in equal portions for the building of forts in St. Christophers, Nevis, Montserrat, and Antigua, which encouraged the inhabitants to build a strong fort at Cleverley's Point, St. Christophers, which is so far advanced that it will shortly be a refuge to all in case of need. The Island, however, is sadly in need of guns, ammunition, and arms, which it begs the King to furnish and send out by His Majesty's ship Francis. Ordered, that the whole matter be referred to the Lords of Trade and Plantations for their report. *Signed*, Philip Lloyd. 1 *p.* *Endorsed*. Recd. 16 Jan. 1682-83. Read 8 March 1682-83. [Col. Papers, Vol. L., No. 5, and Col. Entry Bk., Vol. XLVII., p. 79.]

[Jan. 12.]

891. Petition of the Royal African Company to the King. In November 1680 the planters of Jamaica complained that we furnished them with an insufficient supply of negroes, and at too high prices. The Lords of Trade examined the case, heard both sides, and found that a vast debt, greater than the planters could pay, was due to use for negroes. We submitted to accept a reasonable price, and finally, by your Order in Council, it was settled that we should furnish a sufficient supply of negroes at 18*l.* a head, to be paid in six months. A law has accordingly been passed in Jamaica fixing that price by law, and making the planters judge in their own cause as to what negroes are merchantable, to our great prejudice. So that we are unable to continue that trade for the following reasons: (1.) Light Spanish money passes in Jamaica without any determined weight, and is every day introduced lighter and lighter. Hence the price of all sugars and commodities out there is high, though it is fallen all over Europe. Hence we now lose on our returns from Jamaica one third part. (2.) Negroes were formerly procurable at reasonable rates on the coast of Guinea, but the price is now so much raised by the number of interloping ships, that they stand in more than one-third more than they did some years since. (3.) The ships freighted being usually paid a part of their freight in negroes, the commanders and owners of ships employed are so discouraged that very many of them absolutely refuse to go to Jamaica. This proves the two reasons above. We therefore beg to be released from the conditions of the Order in Council, and that the Act limiting the price and allotment of negroes in Jamaica may be not suffered to pass. *Copy.* 1½ *pp.* [Col. Papers, Vol. L., No. 6.]

Jan. 12.
Whitehall.

892. Order of the King in Council. Referring the petition of the Royal African Company to the Lords of Trade and Plantations

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for their report (*see preceding abstract*). *Signed*, Philip Lloyd
 $\frac{1}{2}$ p. *Inscribed and endorsed*. Recd. 15 Jan. 1683. Also a memo.
 recording the ultimate decision of 14th Feb. [Col. Papers, Vol. L.,
 No. 7, and Col. Entry Bk., Vol. XXX., pp. 102-103.]

Jan. 15.
Whitehall.

893. Order of the King in Council. That Sir Thomas Lynch
 be instructed to send home Captain Heywood, R.N., in safe custody,
 to answer for the loss of His Majesty's ship Norwich. [Col. Entry
 Bk., Vol. XCIX., p. 189.]

Jan. 15.
Whitehall.

894. Order of the King in Council. That the Governors take
 care in future that no King's ships be laden with merchandise;
 also that they do not try naval officers by court-martial, but
 collect the necessary evidence and send it home for their trial there.
 [Col. Entry Bk., Vol. XCIX., pp. 189, 190, and Vol. LXXXII.,
 p. 92.]

Jan. 18.

895. Journal of Lords of Trade and Plantations. Mr. Cranfield's
 letter of 28th [23rd] October read (*see No. 756*). The Lords order
 the case of the Province of Maine to be fully stated.

Mr. Randolph's letter of 7th August 1682 read (*see No. 645*). Ordered, that it be abstracted together with that of 13th November
(see No. 781), and referred to the Boston agents for reply.

Petition of James Guiball read (*see No. 883*). The Lords notice
 that their exemption from payment of quit-rents which they desire
 will be prejudicial to the King and of small benefit to them.

Sir Thomas Lynch's letter of 29th August read. Ordered, that
 the accounts received from Jamaica of the fortifications and stores
 be forthwith sent to Lord Dartmouth. The Attorney-General to
 be consulted as to the disfavour of judges and juries towards the
 seizure of interlopers. Sir T. Lynch's correspondence with Governor
 Clarke read. The Lords are of opinion that the clause of the
 patent of the Bahamas does not justify Clarke's commission to
 Coxon. The Attorney-General to consider the charter of the
 Bahamas, and report whether it or some part of it can be voided by
scire facias. Secretary Jenkins to ask Lord Craven what further has
 been done in respect of Governor Clarke. Lord Nottingham to be
 requested to attend next meeting and report as to the number of
 frigates in the West Indies. Relation of Jonas Clough read (*see*
No. 303). Agreed to move the King to obtain the release of the
 prisoners from the Court of Spain.

The State of Tobago to be considered, and some reasons found for
 vacating the Duke of Courland's pretensions thereto. [Col. Entry
 Bk., Vol. CVII., pp. 101-105.]

Jan. 18.
Council
Chamber.

896. William Blathwayt to the Master of the Ordnance.
 Forwarding copies of all papers received from Jamaica respecting
 forts and stores. [Col. Entry Bk., Vol. XXX., p. 104.]

Jan. 18.
Council
Chamber.

897. William Blathwayt to the Attorney-General. Referring
 an extract from Sir Thomas Lynch's despatch of 29th August 1682
(ante, No. 668) respecting interlopers, for his opinion (*see post,*
No. 908). [Col. Entry Bk., Vol. XXX., p. 104.]

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Jan. 18.
Council
Chamber.

898. William Blathwayt to William Freeman. A petition has been received from Mons. de Chambré, from which it appears that you or your father were concerned in the plantation to which the complaint refers (*see ante*, No. 866). I enclose copy of the petition for your reply. If you find yourself concerned therein, I have several other papers from the petitioner about the same business, which are open to your inspection. *Draft.* 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 8.]

Jan. 19.

899. William Freeman to William Blathwayt. Many thanks for yours of yesterday. The estate referred to was my father's, for which he never received one penny of satisfaction. De Chambré has enjoyed it to this day. The rent, I suppose, may have been stopped on account of my recent addresses to Sir William Stapleton. The estate was bequeathed to my younger brother, who is just come out of France with the object of addressing the King on the subject, so that nothing can be more desired than a fair hearing of the case before the King and Council or the Committee. I hope to see you at Whitehall to-morrow at ten o'clock. *Signed.* 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 9.]

Jan. 19.
Whitehall.

900. Order of the King in Council. A report was read concerning the barbarous usage of several English prisoners by the Spaniards in the West Indies, as attested by Jonas Clough (*see ante*, No. 303). Ordered that Sir Leoline Jenkins press the Spanish Ambassador for the liberation of these prisoners, and instruct Sir Thomas Lynch to use his best endeavours for the same end. *Signed,* Phi. Lloyd. ½ p. *Endorsed.* [Col. Papers, Vol. L., No. 10, and Col. Entry Bk., Vol. XXX., pp. 104–105.]

Jan. 19.

901. Duplicate of the foregoing; and a copy unsigned. [Col. Papers, Vol. L., Nos. 11, 12.]

Jan. 19.
St. Jago de la
Vega.

902. Minutes of Council of Jamaica. Roger Ellitson summoned for his speech at the last Quarter Sessions recommending the enforcement of penal laws against dissenters. Resolved that he did maliciously and irregularly move the Judges thereto. Ordered, that he be bound over to good behaviour, and that he enter into recognisances to appear at the next Grand Court, when the Attorney-General will prosecute him. [Col. Entry Bk., Vol. XXXVI., p. 13, 13a.]

Jan. 19.
Whitehall.

903. Order of the King in Council. That the Lord High Admiral provide passage and victuals to forty-two French Protestants bound for Jamaica. Sir L. Jenkins to acquaint the Governor of Jamaica. [Col. Entry Bk., Vol. XCIX., pp. 188 and 191.]

Jan. 20.

904. Sir Peter Colleton to the Earl of Craven. As to Governor Clarke of the Bahamas, as soon as we heard that he had granted commissions against the Spaniards, we instantly (though no one had made complaint) sent another Governor with particular

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instructions to secure Clarke, so that he might answer any charges before the King in Council. I gave Mr. Blathwayt a copy of the instructions. *Signed, P. Colleton. Holograph. 1 p. Endorsed. [Col. Papers, Vol. L., No. 13.]*

Jan. 20.
Whitehall.

905. William Blathwayt to Mr. Brisbane. My lords, hearing of many piracies and depredations in West Indian waters, wish to know what number of the King's frigates are in those parts. [Col. Entry Bk., Vol. XCVII., p. 92.]

Jan. 23.
New
Hampshire.

906. Governor Cranfield to Lords of Trade and Plantations. In my last I reported to you the rise of such an ill spirit among the Assembly that I had no hope of persuading them to pass any laws which would be satisfactory to you. Among other proposals, I recommended to them the enclosed Bill, which had passed the Council, for raising a revenue to support the Government; but all my endeavours were spoilt by the Ministers, who would suffer them to pass no laws but such as were against the methods prescribed by the King's Commissioners, and would have established independency. Not knowing where these growing evils might end, I dissolved them on the 20th instant. The Bill was judged by all indifferent men to be the justest method of raising money that could be devised, but since they have refused to do their duty in that respect I shall, with the assent of the Council, continue the impositions lately raised, which will go a good way towards paying the expenses of Government, as at present distributed. For as it has been the constant practice among the Bostoners not only to ease themselves in their rates and burden the poorest sort of the people, so they never failed to give plentifully to each other in authority. This method has been carefully observed in this province, but will now be out of doors since the King has entrusted the disposal and issue of money to my power, with the Council's assent. I shall take care that it shall be done as justly as can be, and this clause should be inserted in my Commission when the Government of Massachusetts is settled. The taxes now raised there are high and unequal. The faction will soon make the Assembly provide for a revenue, rather than continue the present taxes, unless they can have the division of the surplusage as formerly. When this is done and the Governor empowered to place and displace ministers, I am confident that the people will be brought to obedience without further charge to the King. While I was at Boston I wrote, by request of the Magistrates, to Lord Hyde to introduce their agents to him, as I thought that it might be for the King's service. They are ordered to offer 2,000*l.* for a pardon, and, though I was certain that it would not be accepted, yet it was a kind of pleading guilty. I knew that Lord Hyde well knew that the dissolution of the Government was of more importance than a hundred thousand pounds, which would not cover the King's losses were that Government still tolerated; so that my letter was rather in the nature of a letter of intelligence, and written with the object of insinuating myself into their counsels. I find that they are unwilling to be at any further

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expense for the defence of their charter against a *quo warranto*, for they know that they are notorious offenders, and I therefore dare assure you that if a Commission with a pardon be sent out, they will submit to the King's orders. I send a duplicate of our laws. If you disallow them it may be a means to get better passed in future; meanwhile, I govern them by the laws of England. If an open letter were sent to me whereby I could show the people the King's resentment of their conduct, it might bring them to a better temper. They are easier to be imposed on by their teachers, being illiterate, than to be taught their duty to the King; but I do not despair, if I can get a check on the Ministers. *Signed*, Edw. Cranfield. *Postscript*.—27th January. Since writing the above I have to report one of the late Assembly men for Hampton, Edward Gove, has made it his business to stir up the people in the several towns to rebellion. He gave out that he had a sword by his side and would not lay it down till he had the Government in his hands. What confederates he may have I know not yet, but I have sent persons to apprehend him, and have raised the trained bands to keep the peace. I have reason to believe that he has been set on by some of the Massachusetts Colony, which he has lately visited. If it be their design to cause a disturbance over the enforcement of the King's orders, it will be impossible to govern them without a frigate. I acted so cautiously on my arrival that I gave way to their humours until I could get the fort and militia into safe hands, thinking to wean them by degrees from their evil principles; but time alone can show the result. 30th January. I must add the further news that Gove was apprehended on 23rd instant, with some of his accomplices. He was at the head of a party of horse with a trumpet sounding before him, and if he had not been timely prevented he would have been joined by many. The rebels will be tried by the laws of England on 1st February. I enclose copies of the laws passed by the Assembly. 4 pp. *Endorsed*. Recd. 10 May. *Annexed*,

906. i. Bill for raising revenue. 1½ pp. *Endorsed*. Recd. 10 May.

906. ii. Acts passed by the Assembly of New Hampshire. Bill concerning plaintiffs' and defendants' non-appearance. Bills to give liberty to withdraw actions; to give liberty to acknowledge judgment; for small actions; for serving attachments, to defray town charges; to fix the value of foreign coin. 2 pp. *Endorsed*. Recd. 10 May 1683. [Col. Papers, Vol. L., Nos. 14, 14 i., II.]

Jan. 23.

907. Duplicates of foregoing letter, without the postscript, and of the first enclosure. [Col. Papers, Vol. L., Nos. 15, 15 i.]

Jan. 23.

908. Extract from Sir Thomas Lynch's despatch respecting the unwillingness of the Royal African Company's factors to seize an interloper, after the negroes had been landed. *Below is written the Attorney-General's opinion.* "Where goods are by law forfeited to the King, the sale of them from one to another will

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not fix the property as against the King, but they may be seized wherever found whilst they remain in specie. Negroes being admitted merchandise will fall within the same law. R. Sawyer, 23 Jan. 1683." 1 p. *Endorsed.* Returned 23 Jan. 1683. Read and approved by the Committee, 13 Feb. 1683. [Col. Papers, Vol. L., No. 16, and Col. Entry Bk., Vol. XXX., pp. 105-6.]

Jan. 23.

909. Journal of Assembly of Nevis. Proposed by the Governor, that any two responsible persons call the husband or managers of Barbuda to account for one-third of one-fourth part of the said Island, which was left as a legacy to the poor of the island and of Antigua by William Mildon, deceased, and that authority may be given to one to sell and dispose of such parts of it as belong to Nevis. The Assembly leaves the appointment to His Excellency. Proposed by the Governor that two members of the Council and as many of the Assembly bring the public receipts to account and audit. The Assembly appoint Samuel Gardiner and James Walker. The Assembly proposes that all arrears and fines shall be satisfied; Charles Pym and Philip Lee to take care thereof. [Col. Papers, Vol. XLIX., No. 73.]

Jan. 23.

910. Journal of Assembly of Barbados. There being no quorum, adjourned to 20th February. [Col. Entry Bk., Vol. XIII., p. 507.]

Jan. 24.

911. Petition of the Agents for Massachusetts to the King. Praying for an extension of time for the receipt of instructions from Boston, in view of the King's determination to issue the *quo warranto* in the first day of next Hilary term. *Signed,* Joseph Dudley, John Richards. [Col. Entry Bk., Vol. LXI., p. 167.]

Jan. 25.

912. Journal of Lords of Trade and Plantations. Petition of Richard Thayre read (see No. 834 i.) and referred to the Boston Agents for reply.

Acts of Jamaica read and confirmed with certain exceptions reserved for amendment (see *post*, No. 948). The Lords do not think fit to give any order respecting trade with the Spaniards as put forward in Sir T. Lynch's letter of 29th August (see No. 668). As to the irregular patents issued by Sir Henry Morgan to Rowland Powell and others, the Attorney-General to advise how they may be voided. The grant of French commissions to privateers to be reported to Council that it may be inquired into.

Mr. Jeaffreson's petition (see No. 890) referred to Lord Dartmouth, to inquire if there be any order in the Ordnance Office that Colonies shall provide their stores at their own charge.

Sir Peter Colleton, one of the proprietors of the Bahamas, attended, and pointed out that the clause of their Patent empowering them to make war is to be found in all such patents, and is understood by them to signify war with the Indians only. He added that orders had already been sent for the arrest of Governor Clarke. The Lords thereupon rescinded their order for bringing a *scire*

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facias against the Patent. [Col. *Entry Bk.*, Vol. *CVII*, pp. 106-114.]

Jan. 25.

913. List of twenty of the French Protestants bound for Jamaica (see ante, No. 883), certified by the Bishop of London. 1 p. [Col. *Entry Bk.*, Vol. *XCIX.*, p. 191.]

Jan. 26.
Whitehall.

914. Order of the King in Council. Referring the petition of Mr. Totton, Attorney to William Fisher, to Lords of Trade and Plantations, for their report. *Signed*, Phi. Lloyd. $\frac{1}{2}$ p. *Inscribed. Mem.*—A copy of the petition being sent to the Attorney-General, he reports that by law the ship and goods were confiscated, whereupon nothing was done. [Col. *Entry Bk.*, Vol. *LXXXII.*, p. 94.] *Annexed,*

914. I. The petition referred to, recapitulating the whole story (see ante, No. 183 I.). Petitioner finally begs that the King will take the opinion of the judges, whether either the ship or the goods were forfeited by law, and if they decide in the negative to issue a commission to six gentlemen of Virginia (named) to examine the whole matter and procure for him restitution of the goods or satisfaction in lieu. *Copy.* $2\frac{1}{2}$ pp.

914. II. The true state of the case of William Fisher; again repeating the story, and setting forth the two points on which a ruling is required. *Signed*, Will. Trumball. Doctors' Commons, 19 Jan. 1682. 1 p. *Endorsed.* Rec. 25 Jan. Read 17 Feb. 1682-83. [Col. *Papers*, Vol. *L.*, Nos. 17, 17 I., II.]

Jan. 26.
Whitehall.

915. Order of the King in Council. That the petition of Samuel Hanson, annexed, be referred to the Lords of Trade and Plantations for their report, and that petitioner meanwhile be furnished with copies of all documents sent by the Governor of Barbados that are necessary for his defence. The Lords are to give such order for petitioner's relief as they think fit, or report to the King. *Signed*, Phi. Lloyd. $\frac{1}{2}$ p. *Annexed,*

915. I. Petition of Samuel Hanson to the King and Council. Petitioner presented a petition in April last, which was referred to the Lords of Trade and Plantations, who ordered a copy thereof to be sent to Sir Richard Dutton for his reply, to which copies of all the judicial proceedings were to be appended. A copy of the petition was accordingly enclosed in a letter written by Mr. Blathwayt and directed to Sir Richard Dutton, which letter was sent to petitioner; who, as soon as he received it, carried it to be delivered to His Excellency. A few days later Sir Richard ordered petitioner to attend him, which he accordingly did, when Sir Richard asked him whether he had not received a letter under his covert from Mr. John Cresset of England, directed to him. Petitioner answered (as was true) that he had not, and

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knew nothing of it, except that he had himself heard from Mr. Cresset, who mentioned that he had written a letter to the Governor and enclosed him a copy. The Governor then tendered petitioner his oath, which he refused to take until he knew on what subject he was to be examined. The Governor answered that he must answer all such questions as he thought fit to put to him. Petitioner again refused, alleging it to be illegal that he should be compelled to swear against himself; whereupon the Governor committed him to prison, where petitioner remained five weeks, most part of it under close confinement, to the detriment of his health and the prejudice of his estate. Petitioner conceives these proceedings to be a design to hinder him from coming to England and prosecuting his appeal from the original judgment, for which purpose he had given the usual forty days' notice of his intention to leave, according to law. Petitioner for twenty years together had never had any controversy with any of the King's Governors, and was unacquainted with a prison, and unable to abide in the same. He offered before the Council to take the oath required of him, and to give 2,000*l.* bail, but was refused; and all relief was denied him unless he gave 10,000*l.* bail to appear at the next sessions. Whereupon he was forced to make his escape to England, leaving his wife and children and a large estate in confusion, to obtain justice of the King in Council. Asks, therefore, for copies of all incriminating documents, and that the master and owners of the ship that brought him over may not suffer for bringing him over without a license. Is ready to give security to prosecute his appeal. *Copy certified by Philip Lloyd. 1½ pp. Endorsed. Recd. 1 February 1682-83. [Col. Papers, Vol. L., Nos. 18, 18 i., and Col. Entry Bk., Vol. VII., pp. 178-182.]*

Jan. 27. **916.** The Clerk of the Assembly of Barbados to [William Barbados. Blathwayt]. Forwarding duplicates of the quarterly returns sent on December 15th. *Signed, Ri. Cartwright. ½ p. Endorsed. Read 2 April 1683. [Col. Papers, Vol. L., No. 19, and Col. Entry Bk., Vol. VII., p. 183.]*

Jan. 27. **917.** Warrant for Governor Thomas Dongan's salary as Governor St. James's. of New York. Four hundred pounds a year. *[Col. Entry Bk., Vol. LXX., p. 41.]*

Jan. 27. **918.** Instructions to Governor Dongan. Empowering him to St. James's. issue writs for the election of a General Assembly, and conferring on him the powers generally entrusted to the King's Governors. *7½ pp. Printed in New York Documents, Vol. III., pp. 331-334. [Col. Entry Bk., Vol. LXX., pp. 41-45.]*

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Jan. 27. 919. Commission from the Duke of York appointing John St. James's. Spragge Secretary of New York. [Col. Entry Bk., Vol. LXX., p. 46.]

[Jan. 28.] 920. Answer of the Jamaicans to the petition of the Royal African Company (*see ante*, No. 891). Great part of the Company's stock, said to be at Jamaica, is in their late factors' hands (who converted it to their own use), and in bad debts which they corruptly contracted with men of mean or no estate, when they might have found better customers. Other part thereof was lost by agents who only kept accounts in their heads or pockets, or employed book-keepers who omitted to give credit for moneys received, or mischarged whole batches of negroes and forged bonds to save themselves. It is therefore presumed that the Company has not above half the sum that it names really in the planters' hands; and that is inconsiderable from so large and growing a Colony towards a great monopolist Company, less, indeed, proportionally than the credit usually given by merchants. It does not follow that the Company has trusted Jamaica with more debts than it can pay, for she is known to pay them better than any other plantations. The Company has simply mismanaged its business. The lightness of money is no prejudice to the Company; it has been current at the present rates for years, and will at all times pass from them for as good value as when passed to them. Four pieces of eight there will buy as much food as so many English crowns. The Company rarely has or expects returns in money; it is treason to clip it, and no great quantity of light money was ever imported. Light money may be refused if offered. If the value were altered in Jamaica the English would soon carry it all off, and the Island be ruined by hasty sales of their stocks. This has been found by experience. The King's Order in Council is so recent that it can hardly have altered the value of negroes at Guinea. Other circumstances may have affected it, but private traders find it pays well to sell negroes in Jamaica at 18*l.* a head. They might have sold them for more had we not, in deference to the King, passed an Act against interlopers. As to masters of ships, there may be some who are strangers to Jamaica or dislike the Company's terms, but there are always plenty who are willing enough to go there. *Broad sheet. Inscribed and endorsed. Recd. 28 Jan. 1683. [Col. Papers, Vol. L, No. 20, and Col. Entry Bk., Vol. XXX., pp. 115-118.]*

Jan. 29.
Whitehall.

921. The King to Sir Thomas Lynch. Announcing the new regulations as to carriage of merchandise in men-of-war and trial of naval officers on foreign service. *Mem.—Circular to same effect, 7th February. [Col. Entry Bk., Vol. XCIX., p. 192.]*

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922. The same to the same. Ordering him to send home Captain Heywood of the Norwich for trial. [Col. Entry Bk. Vol. XCIX., p. 193.]

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- Jan. 29.
Whitehall. **923.** [Sir Leoline Jenkins?] to Sir Thomas Lynch. Covering letter forwarding the King's regulations (*ante*, No. 921). [*Col. Entry Bk., Vol. XCIX.*, p. 193.]
- Jan. 29.
Whitehall. **924.** [Sir Leoline Jenkins?] to Sir Thomas Lynch. You will see by enclosed Order of Council that the King has granted to forty-two French Protestants a passage in one of his ships to Jamaica (*see ante*, No. 883). I am to recommend them to your protection and countenance. [*Col. Entry Bk., Vol. XCIX.*, p. 188.]
- Jan. 29.
Barbados. **925.** The Secretary of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of the proceedings of Council from 7th September. *Signed*, Edwyn Stede. *Endorsed*. Recd. 2 April 1683. [*Col. Papers, Vol. L.*, No. 21, and *Col. Entry Bk., Vol. VII.*, p. 183.]
- Jan. 30. **926.** Record of the County Court for Suffolk, held at Boston 30th January 1683. Edward Randolph *versus* Thomas Danforth. Defendant pleads against the process as illegal. The Court, notwithstanding a letter from the President to the Justices of Maine to hold a special Court, see no ground why they are thereby obliged to act contrary to law, and declares an abatement of the writ. 1 p. *Copy*. *Certified* by James Addington. *Endorsed*. Recd. 9 June 1683 from Mr. Randolph. [*Col. Papers, Vol. L.*, No. 22.]
- Jan. 31.
Whitehall. **927.** Order of the King in Council. That Mr. Secretary Jenkins confer with Mons. Barillon, the French Ambassador, to find out whether, as asked by Sir Thomas Lynch, commissions are at present granted by the French King to privateers at Hispaniola; and that he write also to Lord Preston, English envoy at Paris, to the same effect. *Signed*, Philip Lloyd. $\frac{1}{2}$ p. *Annexed*,
- 927. i.** Extract from Sir Thomas Lynch's letter of 29 August 1682 (*ante*, No. 668), respecting the French pirates at Hispaniola. $\frac{1}{2}$ p. [*Col. Papers, Vol. L.*, Nos. 23, 23 i.]
- Jan. 31. **928.** Minutes of Council of Virginia. Sheriffs appointed. The Attorney-General to take care of the fines and forfeitures due since the rebellion. Soldiers, lately disbanded, who are housekeepers or planters are liable in future to payment of levies. Proclamations for raising the price of foreign coin, and for obtaining returns of parish and county levies. [*Col. Entry Bk., Vol. LXXXIV.*, pp. 155 and 169-171.]
- [Jan.] **929.** Depositions tending to prove that Edward Gove is of unsound mind. 1 p. *Endorsed*. [*Col. Papers, Vol. L.*, No. 24.]
- Feb. 5.
Boston. **930.** Edward Randolph to Governor Bradstreet. In answer to your proposals that on my arrival in England I should do nothing to the prejudice of this country, I answer first that owing to the care and justice at Whitehall nothing has been

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received or insisted on that has not arisen from some unwarranted act of your General Court or some great and continued neglect of the King's orders in his several letters to you. I desire that the General Court may be referred to them, when I think it will be clear to every impartial mind, that all your loyal addresses have been made simply to protract time and avoid compliance with the regulations prescribed by the King for your Government in 1662. Your late agents Bulkeley and Stoughton prudently tried to avert the danger by submitting six proposals, whereby the King was induced to believe that you would make the reforms required in his letter of 24th July 1679. Your present agents will shortly have to account for this, for these six proposals are on record at Whitehall. The King's letter of 21st October 1681 directed the repayment to me of the security illegally demanded of me in prosecutions under the Acts of Trade, so that though you have delayed to pay it here, I shall be able to require it of them. I mention this out of friendship, that your agents may be able to answer it. I know that many of your deputies are not to be guided by one man's opinion, but let me remind you that Sir William Jones, to whose opinion you appealed in your last address in the matter of the purchase of Maine, has left opinions on other matters connected with your Government which are received at Whitehall. Your agents' address to the King is full of thanks and laudations for past favours, but at the same time your instructions to them show little confidence in him. This is an extract from one of my correspondents in London : "The Bostoners will find that they have taken wrong measures, forgetting that those who have once violated the public faith given to their last agents are to be trusted no more. The present agents have little or no authority, and their instructions are to concede nothing that may infringe their charter." Now, is not this exactly the answer of Mr. William Hubbard on 6th January 1680, who warned the Court against giving agents the least power to weaken the rights of the charter ? I think it right to add that, when the King threatens to issue a *quo warranto*, unless your agents obtain larger powers, this does not mean that he cannot do so without your consent. You have acted illegally and depend on his favour, and I do not know what you can expect from it. You are also admitted to trade on an equality with the people of England, but if you refuse to conform to the laws, the King can debar you from it. Next as to the *quo warranto*, the King's law officers in 1677 gave their opinion that there was sufficient ground to avoid your charter. Do not think that the whole country will stand by you. The other Colonies much prefer to be on good terms with Whitehall. The majority of the free men and a far greater number of the unfree will decline when they find themselves deluded, especially when their estates are at the King's mercy. Moreover, the King knows that the number of those who support the dominant faction is really very small. However, I forgive all offences to me heartily, and shall not be wanting to do all I can for the country, when its submission is once made, to procure a royal pardon, liberty of

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conscience, and the raising of money by consent of the people only.
Copy. 3 pp. Endorsed. Recd. 4 June 1683 from Mr. Randolph.
[*Col. Papers, Vol. L., No. 25.*]

Feb. 5.

931. Answer of the Massachusetts' Agents to the petition of Richard Thayre (*see ante, No. 834 i.*). The petitioner is only one of the inhabitants of Braintree, which is a village lying in Massachusetts bay, of about seventy or eighty families. Thayre is so far from being the owner of the whole of it that he owns not a hundredth part of it, and he does not pretend to speak for any but himself. Braintree was originally a small hamlet of farms belonging to the town of Boston by grant of the General Court, and afterwards erected into a town with its consent. The petitioner lived peaceably under this grant for twenty-five years before he obtained his deed from the Indian sachem. That deed, therefore, was not the foundation of the settlement, but was obtained many years later, not on Thayre's behalf but on that of all the inhabitants, who had all equal right and share in it. The line between Massachusetts and New Plymouth has been settled for forty years and repeatedly confirmed. It is questioned by no one except Mr. Thayre as far as we know. His trials with Savage and Clapp were held as matters of private right, the Colony having no concern therein except to do justice between the two parties. The inhabitants of Braintree and other towns within the jurisdiction of Massachusetts have suffered no hardship. Having no papers we cannot go further into detail. *Signed,* Joseph Dudley, John Richards. *2½ pp. Endorsed.* Recd. and read 10 Feb. 1682-83.
[*Col. Papers, Vol. L., No. 26.*]

Feb. 5.

932. Journal of Assembly of Nevis. Proposed by the Assembly that the captains of the two regiments may exchange places to take the lists of dutiable negroes. Granted by the Governor and Council. Proposed also that, the day before the list is taken, all the inhabitants be warned to present all negroes and slaves on oath. Granted. [*Col. Papers, Vol. XLIX., No. 73.*]

Feb. 6.

933. Journal of Assembly of Barbados. Richard Guy chosen Speaker. The Governor's speech read, to the effect that he had summoned them in view of his intended departure for England, and commended to them the bills for parish boundaries, enclosing churchyards, building a house of correction, and the completion of the fortifications; that the magazine would cost 300*l.* more than the original estimate, and that he hoped the House would make provision for it by increase of the excise. The House, except in case of urgency, would not sit after his departure in April, so he trusted that they would make good use of their time, and would let him know if he could be serviceable to them. Address to the Governor asking for time to consider these things. Adjourned to 20th February. [*Col. Entry Bk., Vol. XIII., pp. 507-510.*]

Feb. 8.

934. Lord Baltimore to the Marquess of Halifax. Though I have not the honour to be particularly known to you, I beseech

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you to read at your leisure the enclosed papers. It is the substance of a late conference between Mr. Penn and myself (*see ante*, No. 849), with which I send a true relation of the passages between Captain Markham and myself. I will say no more now, than that I have suffered from misinformations given to Mr. Penn, who would not otherwise, I think, have acted as he has. I address you as a great lover of justice and right; and when I mention that Maryland, founded at great trouble and expense by my father and relatives, and without the least cost to the King, pays his customs fifty thousand pounds a year, I think that I shall not ask in vain for the royal protection. *Holograph.* 1*½* pp. *Endorsed.* Read at the Committee, 17 April 1683. [Col. Papers, Vol. L, No. 27.]

- Feb. 10. 935. Journal of Lords of Trade and Plantations. Petition of Richard Thayre with the answer of the Agents for Massachusetts thereto read (*see No. 931*). The Lords agreed on their report (*see No. 989*).

Sir William Stapleton's letter of 11th November 1682 read (*see No. 777*). The Lords agree on their report (*see post*, No. 977). Mr. Freeman's petition read (*see next abstract*). The Lords agreed on their report (*see post*, No. 1027).

Petition of Samuel Hanson read (*see No. 915 i.*). The Lords think that the enquiry into the whole matter should be deferred till Sir R. Dutton's arrival, and that no orders such as those desired by Hanson be given till the case be heard. Also, as Hanson has copies of all papers transmitted by Sir R. Dutton, except one letter which had better not be imparted to him, it is ordered that no copy of that letter be sent to him. The matter of the naval officer (Abraham Langford) at Barbados to await Sir R. Dutton's return. [Col. Entry Bk., Vol. CVII., pp. 114–119.]

- [Feb. 10.] 936. Petition of Henry Freeman to Lords of Trade and Plantations, in reply to the petition of Mons. de Chambré (*see ante*, Nos. 864, 866). In 1666 my father was in possession of the estate of Godovin in St. Christophers. He was dangerously wounded and left for dead in the field when the French attacked the Island, and was only saved by a French officer from the barbarity of the negroes. On the surrender of the Island the English agreed to sell their estates, if they did not swear allegiance to the French King. De Chambré, who was a French officer, came to my father while lying dangerously ill of his wound, and told him, with threats, that as a prisoner he was excluded from the articles of surrender, and that his estate was forfeited to the French King; that, further, he would enter upon the estate on that right unless my father complied with his unreasonable terms of sale. My father, however, insisted that he was included in the articles, and wrote to the French Governor. Soon after, the Governor and De Chambré came down with a document drawn in French, which was a conveyance of his estate to De Chambré, threatening that if he did not sign it they would send him off the Island as he lay. There was a sum of money and sugar named in the document as the

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price. Being forced to comply, my father was presently transported by them to Jamaica without receiving a penny of the sum named, the Frenchmen alleging that his own goods which he took with him were the consideration set down in the deed. My father returned to England and petitioned the King for relief, and was referred to the then Governor, Lord Willoughby, who was denied the rendition of the Island according to the Treaty of Breda, because he would not confirm my father's estate to De Chambré. My father then laid his case before the Commissioners of the two nations, when De Chambré produced his contract, alleging that it was for a valuable consideration truly paid, and demanded great sums for improvements, though he had demolished the buildings and destroyed the stock of cattle. The case was so plainly in my father's favour that the French Governor broke up the Treaty. Colonel Stapleton, to save friction between the two nations, referred the decision to the two Kings. My father came home to look to it, and died, leaving me an infant and unable to prosecute his claim till of age. I beg, therefore, inquiry into the case, and an order granting me possession of the estate, and that De Chambré may account for the profits since my father preferred his claim. If De Chambré can prove that he paid any money for it, I will repay it. *Broad sheet, closely written.* [Col. Papers, Vol. L., No. 28.]

Feb. 12.

937. Journal of Assembly of Nevis. The accounts of Colonel James Russell against the public brought up. The Assembly agreed to allow whatever the Governor and Council should do therein. Proposed by the Assembly that the merchants and traders in Charleston, Morton's Bay, and the World's End pay a fourth part of the levy to be raised, and the Jews a fourth part of the town levy. The Governor and Council altered the proportion in each case to one-sixth. [Col. Papers, Vol. XLIX., No. 73.]

Feb. 14.

938. Journal of Lords of Trade and Plantations. Captain Talbot's report concerning the Newfoundland fishery read (*see next abstract*). The Lords think that nothing can at present be done owing to the expense, but think that the Admiralty should be informed of the remissness of the convoys in answering the heads of inquiry submitted to them.

Sir Thomas Lynch's letter of 6th November last (*see No. 769*) read. Secretary Jenkins reports that he had conferred with the French ambassador respecting the commissions granted by the French, and that the terms of the instructions to the French men-of-war in the West Indies were *courir sus aux gens sans aveu*. The Lords agreed on their report (*see No. 942*). N.B.—*The Order in Council and report are misdated 17th for 14th February in the Journal.*

Several members of the Royal African Company attended, Sir Benjamin Bathurst, Sir Dudley North, Sir Benjamin Newland, Sir Peter Colleton, and Mr. Scut. Their petition was read (*see No. 891*), together with the answer of the merchants of Jamaica (*see No. 920*). The gentlemen of Jamaica added that light money may

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be refused in payment, and that, as to the Company's complaints of recent hostile proceedings towards the Company in Jamaica, the Island will always own and acknowledge the Company's charter. The Lords recommend that the Act for rations of negroes be not confirmed, but be kept in operation during the King's pleasure. The Attorney-General reported his opinion as to seizing negroes after they have been put ashore (*see No. 908*). The Lords advise that Sir T. Lynch endeavour to make the Revenue Act perpetual, or of as long duration as the Assembly of Jamaica will admit. [Col. *Entry Bk.*, Vol. CVII., pp. 119-124.]

[Feb. 14.] **939.** Captain Talbot to the King. In my last report concerning Newfoundland I represented that it produced greater customs than any Colony except Virginia, and that there was danger of French encroachment on our trade, and I proposed that St. John's or some other port, should be fortified. On my return home I was informed that Lord Shaftesbury had opposed the suggestion as to fortifications, and said that if the island were taken by the French we could retake it. But I think that the trade should not be exposed to such risk. France has long endeavoured to monopolise the supply of fish to Portugal, Spain, and Italy, and will take advantage of any differences between the two Crowns. The trade is in danger also from other causes. The Adventurers are so discouraged by their late poor success that some have laid up their ships, and more threaten to do so. The cause of their failure is the limitation to fish between Capes de Ray and Bonavista. This ground is over-fished, and half the fleet might do better by fishing among the French on the south-west, starting earlier and so getting the first market, which the French have had since we have had war with Algiers and Sallee. If some of the Adventurers fished to the south-west, and fortifications were built for their security, the French would in time be forced to pay the five per cent., which they certainly ought. For they allow us no liberty on their coast of Nova Scotia. Nor should the French be allowed to fortify themselves at Placentia. So far no great harm is done, but if they have time to establish themselves it may be as difficult to reduce them as the cowkillers from Hispaniola. The want of a Governor is much felt. The woods are burned and the harbours spoiled by throwing press-stones into them, so much so that many of our men prefer to fish among the French. France, Spain, and Portugal will not take so much of our staple as will pay for our imports from thence, so we must send fish unless we would send money. $2\frac{1}{2}$ pp. Unsigned. Endorsed. Recd. 14 Feb. 1682-83. The state of Newfoundland by Captain Talbot. [Col. *Papers*, Vol. L., No. 29.]

Feb. 14.
Whitehall.

940. William Blathwayt to Henry Guy. Forwarding a letter and copies of bonds from the Naval Office of Jamaica. [Col. *Entry Bk.*, Vol. XXX., p. 119.]

Feb. 14.
Whitehall.

941. Order of the King in Council. That the appeal of Robert Wright and Francis Pew against Robert Cornwall be allowed, and

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that the Lords of Trade and Plantations report thereon. *Signed,* John Nicholas. [Col. Entry Bk., Vol. LXVIII., pp. 56-57.]

Feb. 14.
Whitehall.

942. Order of the King in Council. Report of Lords of Trade and Plantations on the outrages of French pirates of Hispaniola and the damage which they have done to Jamaica trade, as detailed in Sir T. Lynch's letter of 6th November (*ante*, No. 769), recommending that Secretary Jenkins make representations to the French Ambassador and to the English Envoy at Paris for redress and satisfaction, and that meanwhile Sir Thomas Lynch seize as many as he can of the offending vessels that injure British subjects, and send home lists of the ships robbed and of those that have robbed them. Ordered accordingly. *Signed*, John Nicholas. 1 p. [Col. Papers, Vol. L., No. 30, and Col. Entry Bk., Vol. XXX, pp. 119 and 139.]

Feb. 14.
Whitehall.

943. Duplicate of above Order. *Signed*, Francis Gwyn. [Col. Papers, Vol. L., No. 31.]

Feb. 15.
James City.

944. The Secretary of Virginia to Sir Looline Jenkins. I received yours of 29th July on 15th November last. On the 17th December Lord Culpeper arrived, to the great joy and satisfaction of all the inhabitants. He found an Assembly sitting, as it had been for some time, and just closing the business of the session. The acts and proceedings will be forwarded to you shortly. Our late disorders are well quieted and the Government entirely settled. The frontiers are provided for against incursions of Indians by keeping four score horsemen in the country's pay at the head of the rivers, with orders to be constantly moving and ranging for the preservation of the inhabitants. Four of the most notorious actors in the late disorders are in gaol awaiting trial at the next General Court, and will be made into just examples. This would have been unnecessary now, could it have been done with the like security to the Government before Lord Culpeper's arrival. His great prudence, known abilities and circumspection soon reduced everything to good order. I am concerned to report to you the death of Lieutenant-Governor Sir Henry Chicheley about the 6th February. Major-General Robert Smith is also so dangerously ill that his recovery is much doubted. *Signed*, Nicho. Spencer. 1½ pp. *Endorsed*. Recd. 17 April 1683. [Col. Papers, Vol. L., No. 32.]

Feb. 15.

945. Commissions of Sir Peter Colleton to Timothy Biggs to be Surveyor-General of Albemarle County, and of the Duke of Albemarle to John Monk to be Muster-Master of the forces of Carolina. [Col. Entry Bk., Vol. XXII., p. 10.]

Feb. 17.

946. Journal of Lords of Trade and Plantations. Agreed to recommend Colonel John Colebeck to be of the Council of Jamaica in the room of Colonel Whitfield, deceased. Form of Order in Council, for confirming the Acts of Jamaica and repealing that

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which declares the laws of England to be in force, approved. Draft letters from the King and the Lords to Sir T. Lynch approved.

Report on the business of Richard Thayre approved.

Petition of John Totton on behalf of William Fisher read (see No. 914 i.).

Memorandum of letters sent and received in February. [Col. Entry Bk., Vol. CVII., pp. 124-129.]

Feb. 17.
Plantations
General.

947. William Blathwayt to the Attorney-General. My Lords desire your opinion as to whether mines of saltpetre found in the King's dominions in America are his immediate property as royal mines. *Memorandum of the Attorney-General's reply*.—22nd February. The mines are not royal mines, but the King has the prerogative to dig for saltpetre in any such mines. [Col. Entry Bk., Vol. XCVII., p. 93.]

Feb. 17.
Whitehall.

948. Lords of Trade and Plantations to Sir Thomas Lynch. We have laid all your letters and the addresses before the King, who has confirmed the laws of Jamaica for seven years, except some few remitted for amendment. These require amendment in the following points. Act for ordering boats and wherries.—Thieves of boats unable to pay the fine are ordained to be sold indefinitely. You will pass an Act that the time for which a man shall be sold under this clause shall not exceed four years at most. Act for regulation of slaves.—A fine is imposed on all such as wilfully and wantonly kill a negro. The King will not confirm this clause, which seems to encourage the wilful shedding of blood. Some better provision must be found than a fine to deter men from such acts of cruelty. Act requiring masters of ships to give security in the Secretary's office.—The bonds must be in the King's name, and entered into not for the use of *the people*, as in the Act, but of the person or persons concerned. Act for surveyors.—Power must be reserved to the King to re-examine surveyors in all that concerns him. Act for encouraging the settlement of the Island.—Protection is given to debtors for five years without distinction of creditors. The Assembly should provide for the satisfaction of debts contracted in England. Act for regulating fees.—The Attorney-General is charged with double fees if he fail to recover his information. This must be set aside, and a new Act passed to suspend the clause. The King will confirm the Acts thus amended for seven years. You will do your best to render the Act of Revenue perpetual, representing that the King may thus be ready to confirm the laws for more than seven years. Act for ascertaining the rates of negroes.—The African Company has complained of this, and the King, on hearing its representatives and yours, has decided that the Act shall remain in force during his pleasure only. Act for maintenance of ministers.—No provision is made for carrying out the regulation of 1680 respecting vestries.

As to your complaints against Governor Clarke, the Lords Proprietors of the Bahamas have summoned him home in custody

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to answer for them and for other misdemeanours. The Proprietors claim no right of making war under their charter, except against infidels and Indians not under any Christian state. As to pirates holding commissions from the French Governor of Hispaniola, the King has ordered representations to be made to the Court of France. Meanwhile, you will seize as many of them as you can. The King, noticing that of the six hundred pounds annually paid from the English Exchequer to the Governors of Jamaica for maintenance of fortifications, little or nothing has been applied to the intended use, orders that the Governors shall henceforth account in the Exchequer for the money. We approve of your appointment of surveyors to collect the quit-rents in the various provinces. The Attorney-General is of opinion that the irregular grants of mines and of Port Royal harbour may be voided by *scire facias*. As to the narrative of Jonas Clough respecting the cruelties of the Spaniards, the King has directed that application be made to the Spanish ambassador, and that you endeavour your best to procure the liberation of the English prisoners. The King has approved the appointment of John Colebeck to the Council; and that he may in future appoint no person whose character he does not know, he directs you to furnish him with the names and characters of twelve men whom you shall esteem best qualified for that trust, nominating substitutes from time to time to fill the place of those who die, leave the Island, or otherwise become unfit. *Signed*, Fr. North, C.S., Halifax, C.P.S., Albemarle, Arlington, Ailesbury, Bath, Chesterfield, Clarendon, Conway, J. Ernle, L. Jenkins. [Col. Entry Bk., Vol. XXX., pp. 127-135.]

Feb. 17. **949.** Commission for Lucas Santem to be Collector at New York. *Printed in New York Documents*, Vol. III., p. 335. [Col. Entry Bk., Vol. LXX., p. 45.]

Feb. 20. **950.** Journal of Assembly of Barbados. Committee appointed to draw up an answer to the Governor's speech. William Sharpe, Edward Littleton, John Codrington, Richard Seawell, James Carter, Samuel Husbands, John Davies. Adjourned to 22nd February. [Col. Entry Bk., Vol. XIII., p. 510.]

Feb. 20. **951.** The Clerk of Assembly of Barbados to William Blathwayt. Forwarding quarterly return of the proceedings of the Assembly from 31st October to 23rd January. *Signed*, Ri. Cartwright $\frac{1}{2}$ p. *Endorsed*. Recd. 11 April 1683. [Col. Papers, Vol. L. No. 33, and Col. Entry Bk., Vol. VII., p. 184.]

Feb. 20. **952.** Governor Cranfield to Sir Leoline Jenkins. I send you on the ship Richard, under Mr. Randolph's care, Edward Gove, an Assemblyman who is condemned to death for raising a rebellion in this province. See enclosed account of the trial signed by Major Waldern. I intended to execute him here for terror to the whole party who are still mutinous, had my commission allowed it. Nine others were taken besides Gove, and on trial were

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convicted, but security has been taken for their appearance and they have been respited pending signification of the King's pleasure. I cannot with safety to myself or the Province keep Gove longer in custody, for besides the great expense of guards for him I have reason to fear that he may escape. Moreover by my commission I am ordered to send home rebels, and if Gove escape the sentence of the law there is an end of the King's government in New Hampshire. I was soon made to understand that H.M.S. Lark was gone to sea. At the second meeting of the Assembly in January they began to dispute my commission, rejected my Bills and passed bad ones of their own, so that I was compelled to dissolve them. I took a journey to Boston and other places in Massachusetts and made it my business to find out their temper. I find the prevailing faction opposed to the King, whatever they may pretend to serve their present turn, and I believe that if the Duke of York should survive the King, their aversion, buoyed up as it is by the Nonconformists in England, is such that they will at once fall off from their allegiance to the Crown. It is very necessary therefore that the whole country should be brought to a thorough regulation, being alarmed by the *quo warranto* against their charter. A frigate should also be sent, until such regulation is completed by the placing of the ports and militia into the hands of honest men. Thus the troublesome faction would be disarmed and suppressed. I hear that it is designed to petition for Gove's life, and that it is to be managed by the messengers from Boston. If so, this will the more convince me that Gove received encouragement from that quarter. Major Pike, one of the magistrates and a member of the faction, came to me the night before Gove's trial with several depositions to certify that Gove was of unsound mind, in order to avoid his prosecution. The ministers in New England are more absolute and independent in their practice than their principles. They meddle with all matters of Government, and the people are stirred or composed according as they are influenced by these teachers. Some of them scrupled to preach on the 30th January which I have ordered to be annually observed. I also proposed to the ministers the baptism of children as an essential part of their office, and the administration of the sacrament, which at Gove's trial was put forward as a great crime and innovation. I am forced to keep the militia in arms till Gove is shipped off, and hope to keep the peace; but I beg that Mr. Randolph, who understands the whole state of affairs, may be sent back to me with full instructions and a small frigate to await orders, otherwise I can promise the King little success in the charge committed to me. Mr. Randolph has been very diligent, having made five journeys this winter in the extremity of weather from Boston hither, a distance of over seventy miles. He now undertakes the duty and cost of transporting Gove. I cannot repay him from Colonial funds, as they are brought so low by the expenses of Gove's rising. I beg therefore that his expenses may be allowed. Signed, Edw. Cranfield. 2 $\frac{1}{2}$ pp. Endorsed. Recd. 5 June. Enclosed,

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952. i. Account of the trial of Edward Gove and nine others for treason. *Copy.* $4\frac{1}{2}$ pp. *Signed,* Richard Waldern. [Col. Papers, Vol. L., Nos. 34, 34 i.]

Feb. 20.

953. Duplicates of foregoing letter and enclosure. [Col. Papers, Vol. L., Nos. 35, 35 i.]

Feb. 20.
Portsmouth.

954. Governor Cranfield to Lords of Trade and Plantations. Recapitulation of letter of 30th December (*ante*, No. 868). Gove has been tried and convicted of high treason. This would never have been done had I not first got an Act to pass, that the Marshal appointed by me should have the sole power of impanelling and returning jurymen. It was for want of such an Act that we lost the Scotch ketch. I send Gove home, but have respited his accomplices, and recommend them to mercy. Mr. Randolph has good ground for the uneasiness expressed in his letters. I believe that there is a general combination to continue their irregular trade, and make this port and the Isle of Shoals the chief centres of the design. This cannot be prevented without a frigate, which is wanted also to secure the King's authority. *Signed,* Edw. Cranfield. $1\frac{1}{2}$ pp. *Endorsed.* Recd. 4 June 1683. [Col. Papers, Vol. L., No. 36, and Col. Entry Bk., Vol. LXVII., pp. 83-85.]

Feb. 20.

955. Governor Simon Bradstreet to Robert Mason. I received yours of 19th November (*see ante*, No. 803) on 26th January, and should have answered long ago had it not been that the General Court, which was best fitted to answer it, was about to be convened. I communicated your letter, and the answer is that you could have had the trial with respect to particular lands that you claim long ago, and may have it at Ipswich on the last Tuesday in March, or at the next court at Salem in June, though I beg for a month's notice as to the Court at which you will proceed. As to the unimproved lands which you ask possession of, the answer is the Court does not understand from your letter what are the limits of your claim, and know of no vacant land within the boundaries you seem to mean, that are not already appropriated. *Signed,* S. Bradstreet. *Holograph.* 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 37.] ¶

Feb. 21.

956. Petition of Thomas Sleeper to the King. My eldest son being on the road met with Edward Gove, and weakly consented to go with him, knowing nothing of his design. He is now found guilty of high treason. I am seventy-five years old, and have always been a loyal subject, and this has broken my heart in my old age. I beg your gracious clemency towards him. 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 38.]

[Feb.]

957. Petition of Robert and Sarah Wadleigh, of Exeter, New Hampshire, to the King. Their three sons were in the company of Edward Gove, since condemned for high treason, and are thereby culpable by law. The eldest of them is but twenty years old, and their meeting with Gove was accidental, and they only

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followed him as silly inconsiderate youths might. Pray for pardon for them. $\frac{1}{2}$ p. *Endorsed.* [Col. Papers, Vol. L., No. 39.]

[Feb.]

958. Petition of Hannah Gove, wife of Edward Gove, to the King. Her husband, under some distemper of lunacy, has been guilty of high treason, and is under sentence of death. Prays for his pardon. *Signed,* Hannah Gove. 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 40.]

[Feb.]

959. Petition of Elizabeth Gillman and Elizabeth Lad to Governor Cranfield. On behalf of Nathaniel Lad, who was concerned in the rising of Edward Gove. *Long sheet, one edge much damaged.* *Endorsed.* [Col. Papers, Vol. L., No. 41.]

Feb. 21.

960. Minutes of Council of Virginia. Mr. John Buckner and others prohibited from printing. [Col. Entry Bk., Vol. LXXXIV., p. 158.]

Feb. 21.
James City.

961. Extract from Minutes of the Council of Virginia. John Buckner was summoned before the Council for his presumption in printing the Acts of Assembly made in November 1682 without a licence. He answered that he had given the printer order to print nothing without the Governor's licence, and had only struck off a couple of sheets for His Excellency's approbation. The Board was satisfied therewith, but ordered Buckner and William Nulhead, the printer, to enter into bond for one hundred pounds to print nothing further until the King's pleasure was known. *Signed,* Nicho. Spencer, Secretary. $\frac{1}{2}$ p. *Endorsed.* Recd. 29 Sept. 1683. [Col. Papers, Vol. L., No. 42.]

Feb. 22.

962. Journal of Assembly of Barbados. Answer to the Governor's speech. We will hasten the despatch of business, and request your favourable consideration of the bills presented to you, particularly the *Habeas Corpus* bill. We will present it anew if need be. We will provide for the house of correction and for the magazine. We presume that the excise will provide for this and for the fortifications, without the increase thereof which you suggest. If it should fail, future assemblies will make good the deficiency, and we therefore see no reason for increasing it or extending the time of its operation. We hope that you are not so straitly bound as you say to forbid the calling of assemblies till your return. Your predecessors did not so limit their deputies. As regards the grandeur of Grand Sessions, the expense of sessions lies with the King, and can be defrayed by fines and forfeitures. We thank you for your offers of service.

Feb. 23.

Bill for ascertaining parish boundaries read and passed. Order for Messrs Sharpe, Seawell, Littleton, Carter, John Codrington and Husbands, to be a committee to join with a Committee of Council to consider the wants of the island, and draw up an address to the King. Adjourned to 13th March. [Col. Entry Bk., Vol. XIII., pp. 511-516.]

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Feb. 22.
Jamaica.

963. Sir Thomas Lynch to William Blathwayt. Since I last wrote I have been extremely ill, oppressed with melancholy to stupefaction almost. For sixteen or eighteen days I hardly slept, till the gouty pains and swelling fell into my legs and eased my head so that I was able to be carried abroad. As soon as I could put foot to ground, three weeks ago, I came here [St. Jago de la Vega?] for change of air and for public business. It has, thank God, succeeded well, for I have not been better since I came into these cursed tropics than I am now. The people seem as satisfied, and are as quiet, as though under the perfectest peace abroad and the greatest success at home, though our losses and troubles through pirates are intolerable. We have lost divers vessels on the coast of Cuba and in the South Cays, some in the Bay of Honduras, others on the coast of the Main, and by La Trompeuse off Hispaniola about sixteen or eighteen ships, so that at a moderate reckoning our losses, the Royal Company's, and the English merchants', come to forty or fifty thousand pounds. This falls heavily, as you may believe, on a young Colony with a young trade, and the misfortune is aggravated by the great numbers of people maintained by trade in this Island. We are fed by provisions from New England, New York, and Ireland, and have fishermen at the South Cays; all these routes were interrupted and dangerous. The people would have been in an ill ferment if I had not done all that I could, and the frigate had not so seasonably made her appearance. There is no revenue nor hope of any, for little comes in; hardly two pipes of wine since my arrival, and not a farthing of fines or escheats in Sir H. Morgan's time. It is useless to sue the debtors, for they have three years allowed them for payment. The quit-rents come in as slowly, though we have and do exchequer abundance (*sic*). You should have the half-yearly account by this ship, but Martin says he cannot get the orders from Powell. You shall have it by next ship, but Martin says you will not be pleased with it, for he has not taken fifty pounds these two months, and the revenue will be two or three thousand pounds in default. I am apt to believe this, for it owes me near half that sum for my salary, besides all I pay and am engaged for, which you will believe to be considerable after reading my letter and Martin's accounts. You may therefore conclude that I shall bring into the Treasury everything of the King's that comes into my hands and that admits of no disputes at home, that my salary may be paid and the public expense supported. The Lords of Trade I am sure will be content with this; they know on what hard terms I came, and may believe that it has cost me three or four thousand pounds to purchase afflictions insupportable by my mind, my fortune, or my reason. Lord Hyde and the Lord Treasurer promised to make good my salary if I could not get it here. Pray therefore apply to the Lords for an order directing fines, forfeitures, and escheats to be applied to the payment of my salary and contingent expenses of Government. I have no reason to expect much from this source, for there has been nothing in the eleven months that I have been here, nor do I desire this, because I am sure the Lords of the Treasury will draw nothing from hence,

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but rather be glad that they are eased of trouble and expense. Nevertheless I remember how our friend Sir R[ichard] D[utton?] sued Colonel C. for a seizure thirteen years ago which was laid out for public use, telling him he must pay with interest what he had received, and recover from the Lords of the Treasury what he had laid out. I know I need not fear anything like this, but I would not add the hazard of an Exchequer suit to the small fortune. I shall have your little pайенте (*sic*), but it is reasonable to fear there may arise people that did not know Joseph [*this last sentence is, as it stands, unintelligible*]. On the 21st December Captain Johnson, whom I had sent out with two hundred men after the pirate La Trompeuse, returned after two months' absence. He had been as high as Porto Rico, but failing to search Hispaniola on his way down, he missed her. At St. Domingo he saw Vanhorn, but the President would not suffer him to speak to him. As he came in, the Guernsey returned from St. Jago de Cuba and brought Captain Prenar. I at once despatched her to the coast of St. Domingo, understanding that the pirate haunted the French settlement at the Isle des Vaches, and was careening by Spencer at Jaqueene near to it. Before the frigate got up the pirate was gone. He had sent away Spencer after taking all he had, eight to ten thousand pounds value, as he says. Part of his goods were sent to Petit Guavos, and the greatest part given to the commandant and people at the Isle des Vaches, from which the pirate draws the recruits of victuals and men which have enabled him to subsist so long; though, indeed, it is rather an ill-fortune and Johnson's misconduct that have saved him, for Johnson missed him only by failing to examine the ports. Captain Tennant came into Jaqueene on the morning of 15th January and found him at anchor, but, it being calm, could not get near him for want of oars. The gale rising, the pirate sailed three feet to his one. About the 24th January the frigate came and reported this. A small French barque owned by an honest man, Mons. Petit, also came in from Guadeloupe bound for Petit Guavos. By him I sent a frank account to Governor Poncay of the mischief we suffered from the French both ashore and at sea. Being displeased at the frigate's leaving the coast, I ordered the captain to sail thither again next day, but he pretended that she was foul. I sent about twenty carpenters on board him and plenty of seamen, and so got her careened in twenty days, which was more than ever was done before in this harbour. I gave him twenty more men and a month's provision, hired a satee to wait on him, and, on the 15th instant, he sailed with my positive orders not to stir from the coast till the pirate was gone or destroyed. We have great hopes, for the pirate is a weak and unsheathed ship, and is growing foul. Her best seamen are leaving her, yet the last vessel that she took reports one hundred and fifty men on board. Since the frigate left the coast several have come down who have been robbed by the pirate. One, Captain North's, a ship of twenty or thirty guns, was so strong that the pirates themselves said they durst not have boarded her if captain and men had not most villainously

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surrendered. From her they took sixty-five pounds of gold, which gave them eight or ten ounces apiece. This is their only profit, and has made one Moone, the master, leave them. I have taken the description of this Moone and of thirteen or fourteen more English rogues, and shall send it to Bristol (whence he comes) and to all the colonies in America. These losses from windward, though great and frequent, are not so much felt, nor raise so much clamour, as those to leeward, for the former concern merchants only, but the latter the whole town. Many here live only by their sloops, which go turtling, trading, and fishing, and, if these be taken, the poor cannot eat nor others subsist. Five or six of them have been taken, and several men have been killed or left on desolate cays, where they perish most miserably. This exasperates the people more than anything else, so much so that I was constrained to hire a new sloop, put ten men on her, and send her away on the 16th January. She returned about the 12th instant with all the men, and the captain says that he engaged three small vessels that escaped with their oars, that the sloop captured by some French from Griffin is gone to Laurens in the Bay of Honduras, and that the English have, he hears, stolen nothing. He has brought up two or three pirates, who have been condemned. One will be executed to-morrow. To put a stop to all this mischief and save our sloops, without which we cannot live, I have resolved to do what nobody ever thought could be done, viz., build a galley to row with fifty oars, and carry fifty or sixty men. The merchants are much pleased with it, and believe that we shall no longer be infested with little rogues in small craft. Two days hence there will be one hundred men employed in getting the timber out of the mountains, and I am not without hope to get her afloat in twenty days. I shall have as many carpenters as can work on her, if I can only find means to pay them.

I have already told you of the Spaniard that came here from the Governor of Panama to buy negroes. He wanted men between eighteen and twenty-eight only, to be delivered at Porto Bello, but as he was unwilling to pay for the choice and risk, and the African Company could not send many, we were unable to furnish him. So after four months' stay he went away with about a hundred, which had been bought of an interloper by merchants to windward. They hired Captain Johnson's ship, by which I wrote to the President that it was impossible to supply him with such negroes and deliver them at Porto Bello, but that if he chose to send an agent from Panama, and also from Havana, they might buy on the same footing as ourselves. About five days since a great ship, under French colours, brought me letters from Mons. Ponçay and Mons. Grammont, lieutenant of the ship St. Nicolas. The letters assured me of their intention to keep the peace, and reported that Mons. Ponçay had sent this ship after La Trompeuse and other pirates, that Vanhorn, the captain, had no other commission but to take pirates, nor other design here but to deliver his letters. They desired also to buy medicines and stores. I sent Mr. Charles

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Barré on board, and from him and former information I found out that the ship is an English ship called the Mary and Martha, that she sailed from London for Cadiz and Africa, that she did some mischief to the Spaniards at Cadiz, has robbed the Dutch, taken negroes by force from the coast, helped one king to make war on another, and so got hold of four or five hundred negroes with which she came to Cayenne. There she left half of them and brought the rest to St. Domingo. She was there made to pay for injuries done against the Spaniards and Dutch, but was protected against us and let go with a very few men; for of the English some had deserted, and others, under pretence of mutiny, had been barbarously left on desolate islands and cays. In this condition she reached Petit Guavos with fifty or sixty negroes. Governor Ponçay then put Mons. Grammont on board with nearly three hundred men, and gave him a commission, grounded on my complaint of French pirates and planters at the Isle des Vaches. Fear of the French King makes Mons. Ponçay in good earnest. He hanged one or two men that I described to him, and sent to Isle des Vaches to seize the commandant. Still he does no justice about restoring goods received by himself as well as by the commandant and others. In future, I hope we shall be better neighbours. Our frigate, I doubt not, will make an end of La Trompeuse, if she has not already done it, for six or seven vessels which have come in during the last three days from the coast report that they saw nothing of the pirate. The vessels we have sent out, and the fame of our galley, awe all the rest of the rogues, and the more because they were fitted out by this Island alone. The pirates, therefore, are all joining Laurens in the Bay of Honduras, where he is said to have two great ships, a barque, and a sloop of ours and five hundred men. Three days ago I gave the master a letter to Laurens requesting him to punish the pirates and deliver the sloop, which I believe he will do. For I hope to bring them to that pass that they will be content if we do not punish them for robbing the Spaniards, and that without another frigate from the King or further charge to his revenue in England. Every one here concludes that Vanhorn is also gone to Laurens (the man who, as I wrote to you, took 122,000 pieces of eight off Porto Rico), and lies by to intercept a ship of forty-four guns and four hundred men, with another of just half her strength, that are loading goods and money at Guatemala. Vanhorn has provisions for six months. Nobody thinks he would carry this to capture pirates, nor that he would come to leeward after them when he knows they are to windward. Besides, directly he was out of sight of Jamaica on his departure he bore up. Barré says that the French abhor him for his insolence and passion, and that they will desert him at the first land or make Grammont captain, who is an honest old privateer. Vanhorn, besides, is so vain that he showed him a number of bags which he judged to hold six or eight thousand pieces of eight. We gave him a great charge of letters. You may hear more of him from Colonels Bawden and Stroude if this be not enough about a rascal.

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You cannot blame me for being the historian of those rogues for this year, for I have business with few else. To ensure the destruction of La Trompeuse, and sow dissension among the pirates, I have sent Coxon to offer to one Yankey (who commands an admirable sailor) men, victuals, pardon, naturalisation, and two hundred pounds in money to him and Coxon if he will go after La Trompeuse.

By letters from New Providence, I understand that Lilborn acts as old Governor Clarke did, but with less appearance of justice, for he does and permits as much without Commissions as the other did with them, as you may see by enclosed quaker's letter. I have sent him with an address to you that you may know particulars if you please, and what illuminations he has to make us Landgraves and Mamamouchts. That you may see that I have business with the godly too, you must know that about a month ago at the Sessions one Elletson, a lawyer, after the justices were seated but before the charge, desired leave to speak. Then in a studied harangue he pressed the justices to enforce the laws against dissenters. Everyone was much surprised, and Colonel Molesworth answered that it was forbidden both by our local laws and by the King's repeated instructions. The Council and I thinking Elletson's conduct malicious, summoned him by warrant before us. He was asked whether the King could dispense with those laws. He would not answer. He was then asked whether he was not aware of the King's instructions to that effect, why he had not raised the question in Sir Henry Morgan's time, when he was Attorney-General, and whether the dissenters had done anything to forfeit the King's grace. To this he answered No, and to the rest nothing, declaring himself a Protestant, but that he had never taken the sacrament. Elletson is an ill man; he was driven here by his crimes and necessities, and was the occasion of all the hard, inconvenient and illegal grants passed by Sir Henry Morgan, for which he is cursed, and was told so before Sir Henry's face in the Council. Knowing how much mischief he had done and advised, he took out a pardon before I arrived, which no officer ever did before. Moreover, though he would now be thought episcopal, he was a fanatic. When the assembly rose, he asked one of them how he could answer to the country for his trusting the Court. The Council, putting all these things together, and judging that his last action was done from private malice and revenge, ordered him to be bound over to good behaviour, and an information laid against him at the Grand Court. He has since given in his submission, so I suppose we shall pardon him. You must forgive me this and the other senseless and impertinent story about C. Morgan. I am afraid ill impressions may be taken before I am heard. You may judge of the rest by this. But I reckon, if I can live, that I may be quiet a little longer, for surely as yet the fame of my salary and acquisitions will not charm lords to come to this agreeable climate and profitable government. I intend to write to my Lords Sunderland, Halifax, and Clarendon, from whom I have not had a line. But great men answer, like Heaven, by deeds, not words. I know ministers and

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statesmen so hate impertinence and tedious letters, that I durst not address this to our Lords or Mr. Secretary. You can best garble it and lay (as the merchant says) the needful before them.
Postscript in Sir T. Lynch's own hand.—4th March 1682-83. This is a copy of one that I sent by a Bristol man. I send also affidavits about Vanhorn's business. *Signed.* 12 closely written pages. *Endorsed,* Reed. 28 May 1683. [Col. Papers, Vol. L., No. 43, and (with private matters omitted) Col. Entry Bk., Vol. XXX., pp. 141-152.] *Annexed,*

- March 3. 963. I. Affidavits of Vanhorn's piracies. Depositions of James Nicholas, gunner, John Otto, coxswain, Peter Cornelius, sailmaker, George Martyn, sailor, late of the ship Mary and Martha *alias* St. Nicholas, 400 tons, 40 guns. About sixteen months since deponents sailed from England in this ship, Nicholas Vanhorn commander, and a crew of one hundred and fifty men, fifty of them English, all shipped for Cadiz, in company of another ship of 160 tons, twelve guns, and twenty-three men, all English, belonging to Colonel Stroude, Governor of Dover Castle, Captain John Mayne commander, under orders of Vanhorn. Vanhorn was forced by weather into a French port in the Bay of Biscay, where twenty-five of his men, seeing what a rogue he was, ran away. Sailed thence to the Groyne [Coruña] and Cadiz, where Vanhorn put thirty-six men ashore without wages. He also pretended to get a licence to trade in America, but could not, and then turned two of his merchants ashore. The night before he sailed, he sent away his barge with about twenty men and took by force four brass pataaraoes of the King's, to the great disgrace of the English nation. Sailed thence to the Canaries when he went ashore and took about forty goats by force. Before leaving Cadiz Vanhorn whipped an Englishman, Nicholas Browne, to death for no cause. Sailed thence to the Cape de Verdes where five men deserted, thence to the Guinea coast, arriving about March, and traded for gold in truck for powder and guns, having no other cargo. Fell in with two Dutch ships at Castledemaino; Vanhorn plundered one of them of everything, to the value of thirty thousand dollars; took a negro by force out of an English ship; also a canoe from Cape Coast, laden with goods for negroes, and killed three of the negroes therein. Vanhorn then traded for negroes with the goods he had captured, and took over a hundred on board, with a great quantity of gold. Sailed on by the coast of Capa where Vanhorn went ashore with great guns and in twenty-eight days returned with six hundred negroes. He did everything under English colours, burning all the houses and destroying all the negroes' crops and stores. A month later he captured a canoe with twenty negroes, shot one and took the rest. Sailed on to St. Thoma where he took a Portuguese cannon

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and two of their negroes ; thence to Cayenne where he put ashore six English ; thence to Trinidad, and so to St. Domingo, arriving there at the end of November. By that time they had three hundred negroes, the best being dead. The President of St. Domingo took the Spanish brass patararoes and, as they heard, made Vanhorn pay. While there, a ship came in under Captain Johnson, in search of La Trompeuse, pirate-ship. Johnson would have spoken with Vanhorn, who lay under the Castle, but was forbidden by the President. Vanhorn sailed last with but twenty men, deponents embarking on another ship which brought them to Jamaica. Sworn before me 3rd March 1682-83. R. Wilson. 3½ pp. Endorsed and inscribed. Recd. 28 May 1683. [Col. Papers, Vol. L., No. 43 I.]

Feb. 22.

964. Report of the Attorney-General respecting saltpetre and irregular grants of royal mines. 1. I conceive the grant of the Royal mines in Jamaica (*ante*, No. 694) to be void, and that it should be voided by *scire facias* because (a) it is not warranted by the Royal Instructions ; (b) the grant of mines which shall be opened during the term named is uncertain, nor has the patentee any power to reduce it to certainty, for he has no power to search in other men's lands which, being a royal prerogative, cannot pass by a general grant ; (c) there is no tie on the lessee to work the mines, and it is at the lessee's pleasure, therefore, whether the King shall have anything, whereby the King is defrauded. 2. As to the case of saltpetre, my opinion is that such mines are not royal mines, though the King has the prerogative of digging for saltpetre. 3. I can say nothing as to the grant of Port Royal Harbour not having seen it, but if it be a public harbour and of general use it cannot be appropriated by any grant to the prejudice of the King's subjects. Signed, R. Sawyer. Holograph. 1 p. Endorsed. [Col. Papers, Vol. L., No. 44, and Col. Entry Bk., Vol. XXX., pp. 121-122.]

Feb. 23.
Whitehall.

965. Order of the King in Council. That Secretary Jenkins prepare a letter for the appointment of Colonel John Colbeck to the Council of Jamaica in the room of Colonel Whitfield, deceased. Signed, John Nicholas. ½ p. Endorsed. [Col. Papers, Vol. L., No. 45.]

Feb. 23.
Whitehall.

966. Order of the King in Council, approving the following draft of a letter to Sir T. Lynch. Signed, John Nicholas, Annexed,

966. I. The King to Sir Thomas Lynch. We have received with great satisfaction the dutiful proceedings of the Assembly in repeating the former Act of Revenue, and enacting a new one wherein all offensive and distrustful clauses are omitted. We take this in good part and shall show it by our favour. We have been no less pleased to receive the

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address from our good subjects, for which this is our return. We confirm all your laws after a manner formerly approved, whereby for the space of seven years we have not left it in our power to vacate or repeal them. The Act to ascertain the rates of negroes we accept; and some few other laws we have remitted for amendment, promising to confirm the same as soon as amended. This we leave to your prudence and management, whereof your late successes have made us fully sensible. We have taken the measures suggested by you respecting privateers (*see ante*, No. 942). 1½ pp. *Draft.* [Col. Papers, Vol. L., Nos. 46, 46 I., and Col. Entry Bk., Vol. XXX., pp. 135-137.]

Feb. 23. **967.** Duplicate of above Order in Council. *Copy.* [Col. Papers, Whitehall. Vol. L., No. 47.]

Feb. 23. **968.** Order of the King in Council. Confirming the laws of Jamaica. *Signed,* John Nicholas. [Col. Entry Bk., Vol. XXX., pp. 123-126.]

Feb. 23. **969.** Order of the King in Council. Disallowing the Act declaring the laws of England to be in force. [Col. Entry Bk., Vol. XXX., pp. 126-127.]

[Feb. 26.] **970.** Sir William Stapleton's answer to the petition of Benjamin Middleton. *Copy of the petition* (*see ante*, No. 396 I.). The truth is that Middleton's father spent 8,000*l.* on plantations in Antigua and lost all by the French invasion; but petitioner might as well have added that his father sold the plantation, which he made his great settlement, some time before his death. It was called Middleton and Fletcher, and was sold to one Yeaman of London, who enjoyed it himself after the close of the war, and his successors after him. It is true that Middleton had another plantation, but he could lose little by it, for it consists mostly of standing wood never felled since the creation. It was called Crab Hall, and Middleton might have had it, to my knowledge, at any period during William Lord Willoughby's time, or, indeed, by patent from me, by simply opening his lips. There is not a word of truth in the statement about an Act in favour of Colonel Middleton or Mr. Jacob Lucy; on the contrary, both are excluded, though in general and not special terms, by Lord Willoughby's Act of settlement, which is with the papers at home. Had such an Act existed I should not have presumed to dispose of Crab Hall. If Mr. Lucy's agent had known of any law entitling him to the plantation he would not have come to me for a patent, for he would not have needed it. The present owners are Captain Williams and Lieutenant Francis Burton, each of three hundred acres, and Mrs. Elizabeth Williams two hundred acres. Middleton's incapacity by reason of his debts could not be greater than that of all the inhabitants of Antigua, who lost all and yet have made settlements since. As for Mr. London, whose name is

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mentioned, he has been with me about the matter and is gone to Jamaica, so I am sure he is satisfied. So also is Mr. Benjamin Middleton, or he would not have asked a Barbados lawyer to whom he had sold it to retract his bargain for a few guineas, as he could not make good his title. In truth, the plantation fell to the King by a preceding Act until the inhabitants were re-invested with possession. Middleton, by merely asking and settling, might have had that or a larger plantation that I now offered him. But the allegation that Mr. London is refused entry on possession in consequence of some late Act is nonsense, for there is no such Act that I know of, and none could have been passed without my knowledge. *Signed*, Wm. Stapleton. 1*½* pp. *Endorsed*. Recd. 26 Feb. 1683. [Col. Papers, Vol. L., No. 48.]

[Feb. 26.]

971. Petition of Captain John Poyntz and Company. Your Majesty has granted Tobago to the Duke of Courland. We have agreed and contracted with him to settle ourselves therein and become planters, always preserving our loyalty to you, which we are ready to prove by taking the oaths of allegiance. We beg for directions as to our colours or standards. Should they bear the Union colours next the staff, Courland next the fly, or St. George's colours at the staff, or should it be yet something different? *Subscribed*. Order of the King in Council, dated Whitehall, Feb. 26, 1682, referring the Petitioner to the Lords of Trade and Plantations. *Signed*, L. Jenkins. *On the margin*. Recd. and read 25 May 1683. 1 p. *Annexed*,

971. i. Articles of agreement between the Duke of Courland and John Poyntz. 9 *large pages*. [Col. Papers, Vol. L., Nos. 49, 41 i.]

Feb. 26.
Hampton
Court.

972. Petition of Mark Baker of Hampton to the King. Petitioner foolishly accompanied Edward Gove on his seditious march and has been convicted as one of his accomplices; knew nothing of Gove's design and never dreamed of treason. Prays pardon. 1 p. *Endorsed*. [Col. Papers, Vol. L., No. 50.]

Feb. 27.
Hampton.

973. Petition of William Healy to the King. I have been for some years servant to Edward Gove, and followed him, at his bidding, in the work for which he was condemned to death. *Holograph*. *Signed*. *Endorsed*. [Col. Papers, Vol. L., No. 51.]

Feb. 28.

974. Petition of Thomas Rawlins to Governor Cranfield. I was travelling on my own affairs when I met Edward Gove, and went on in company with him with no knowledge of his evil design, but I am convicted as an accomplice. I beg you forward my petition to the King for mercy and pardon. 1 p. *Endorsed*. [Col. Papers, Vol. L., No. 52.]

Feb. 28.

975. Duplicate of foregoing. 1 p. [Col. Papers, Vol. L., No. 53.]

Feb. 28.

976. Declaration of Sir William Stapleton. Authorising Peter Cove, John Devereux, William Fox, and George Lyddill to enter

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upon a plantation in Montserrat owned in partnership by William Freeman of London and John Bramley of Montserrat, and divide it, with everything on it, equally between the two, since their continual strife puts it in danger of ruin, and such differences, as experience has proved, are a discouragement to settlement. With minute directions for the work of valuation and apportionment. 2 pp. Copy. Certified by William Berwick. Endorsed. Recd. 6 November 1683. [Col. Papers, Vol. L., No. 54.]

Feb. 28.
Whitehall.

977. Order of the King in Council. Approving the recommendation of the Lords of Trade and Plantations made in consequence of Sir William Stapleton's letter of 11th November last (*see ante*, No. 777). That the King not only demand of the King of Denmark the sloop and goods in question, as also seven servants that ran away with a wherry from Montserrat to St. Thomas, but that he assert his right to the Virgin Islands so that the Danes be not permitted to settle in any of them except St. Thomas, and if they will not submit to such right that they be given to understand that they have no good right to St. Thomas. Signed, John Nicholas. 1 p. Endorsed. [Col. Papers, Vol. L., No. 55, and Col. Entry Bk., Vol. XLVII., pp. 77-78.]

Feb. 28. **978.** Order of the King in Council. Approving Colonel John Colbeck as a member of Council of Jamaica. [Col. Entry Bk., Vol. XXX., p. 122.]

Feb. 28.
Whitehall.

979. The King to Sir Thomas Lynch. We have received with great satisfaction the proceedings of the Assembly in repealing the Revenue Act with offensive clauses, and passing another in its stead, as also a loyal address. We now confirm these laws, excepting some few that require amendment, for seven years, and will confirm the rest when amended, as your past prudence and skill leaves us no doubt that they will be. We have laid before the French King your complaints about pirates. 2 pp. [Col. Entry Bk., Vol. XCIX., pp. 194, 195.]

[Feb. ?]

980. Mr. Byrd's proposals for regulating the Indian trade. If he may have the sole Indian trader to the exclusion of all others from trade or truck with Indians, he engages (1) to send out no persons to trade with them but such as have given security for good behaviour; (2) to take all possible pains to heal breaches between different tribes and to secure payment of the King's tribute; (3) as soon as peace is concluded between the Government and the Senecas, to discover the great tract of land to westward of the mountains and report thereon to the Governor; (4) to pay one hundred pounds a year to the King, provided that he have liberty to transport all commodities purchased of the Indians to England. Signed., Wm. Byrd. 1 p. Endorsed. Recd. 29 Sept. 1683. [Col. Papers, Vol. L., No. 56.]

March 1. **981.** Minutes of Lords Proprietors of Carolina. Order for each proprietor to pay in 40*l.* for the rent, the money to be paid to

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Sir Peter Colleton in discharge of the rent. [Col. Entry Bk., Vol. XX., p. 210.]

March 1.

982. Lords Proprietors of Carolina to the Governor and Council of Ashley River. A letter of recommendation in favour of Mr. John Gibbs, and an order to pass him grants for three thousand acres of land rent free. [Col. Entry Bk., Vol. XXII., p. 11.]

March 1.
Mermaid,
in York River.

983. Captain Tyrrell, R.N., to the Commissioners of the Admiralty. We arrived here on 16th December, having had extreme bad weather from Traseras to the capes of Virginia, being forced to hull and cry for eighteen days together. We brought several Portuguese from Traseras to Virginia as supernumeraries by Lord Culpeper's request, and he has disposed of them. I hope that he will satisfy the purser for his money out of pocket on this account; he filled the ship as much as if she had been a merchantman, and has been very unkind in several respects. I have one, Robert Aron, who I found had been enticed out to Virginia by the boatswain of a merchantman to be trumpeter to the Governor, but was sold to a planter contrary to his agreement. He belonged to H.M.S. Orangetree, and coming on board me, asked me to entertain him for the King's service. Being short of men, I received him on board, and my lord is very angry. The boatswain is bound in a bond by the boy's friends to bring him home, but he is well satisfied that he is on board a King's ship. Lord Culpeper thinks I enticed him away, but this I would not have done for my hand. We lay in the river twenty-eight days before Lord Culpeper would send for his goods, which was a great hindrance to our getting ready for sea. I often wrote to him, but he put me off week after week, or I might have been at sea some time before this. The country was all in peace and quietness when we arrived, and is so still. Lord Culpeper would not give me my sailing orders for Barbados, so I was forced to sail without them. Signed, Jno. Tyrrell. 2 pp. Endorsed. Recd. from the Admiralty 22 Oct. 1683. [Col. Papers, Vol. L., No. 57.]

March 2.
Whitehall.

984. Order of the King in Council. Referring to petition of Richard Buller, praying for the restoration of certain deer-skins seized and forfeited under an Act of Virginia of which he was ignorant, to Lords of Trade and Plantations for their report. Signed, Francis Gwyn. 1 p. Endorsed. Recd. 7 March. Read at Committee 8 March 1682. [Col. Papers, Vol. L., No. 58, and Col. Entry Bk., Vol. LXXXII., pp. 96, 97.]

March 2.

985. Warrant of the Duke of York to Sir George Jeffreys or Sir John Churchill to prepare a deed confirming to the proprietors of East New Jersey the powers granted to Sir George Carteret. [Col. Entry Bk., Vol. LXX., p. 45.]

March 2.

986. The Duke of York to the General Assembly of New York. Recommending to them the new Governor, Thomas Dongan. [Col. Entry Bk., Vol. LXX., p. 46.]

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March 2.

987. Affidavit of John Meane and Richard Jefferies, servants of Samuel Trott. Asserting that when going off to the ship Welcome of London, Captain Edward Clemens, with a shallop full of goods, they were stopped for three hours by John Hubbard, who damaged the boat so much that on going at last alongside the ship she sank, and all the goods with her. They were picked up, and after a dangerous passage landed at St. Ives in Cornwall. 1 p. *Certified by John Hichins, Mayor, borough of St. Ives (see ante, No. 840). [Col. Papers, Vol. L., No. 59.]*

March 2.

988. Duplicate of foregoing, sworn before John Hicks, notary public, of St. Ives. [Col. Papers, Vol. L., No. 60.]

March 2.
Whitehall.

989. Order of the King in Council. Report of the Lords of Trade and Plantations on the petition of Richard Thayre (see ante, No. 834). On consideration of this case we are of opinion that the petitioner's appeal should be heard by you in Council, that the town of Braintree be required to furnish copy of the deed wherein Thayre is concerned, and that the Government of Massachusetts give notice to Thomas Savage and Captain Clapp of this appeal, dated 10th February. Ordered accordingly. The case to be heard at the first council day of next Michaelmas term. *Signed, Francis Gwyn. [Col. Entry Bk., Vol. LXI., pp. 169-170.]*

March 2.
Whitehall.

990. The King to Sir Thomas Lynch. Warrant for the appointment of Colonel John Colbeck to the Council of Jamaica in the room of Colonel Whitfield, deceased. [Col. Entry Bks., Vol. XXX., p. 120, and Vol. XCIX., p. 196.]

March 2.
Whitehall.

991. Order of the King in Council. That the Governors of Jamaica shall henceforth account for all moneys received from the English Exchequer for the maintenance of fortifications in the King's Court of Exchequer. *Signed, Francis Gwyn. [Col. Entry Bk., Vol. XXX., pp. 138, 139.]*

March 3.
Jamaica.

992. Sir Thomas Lynch to William Blathwayt. My last was by way of Bristol. I have little to add, except that one of our men-of-war coming from leeward met Vanhorn, who sent his canoe on board; and, from what Coxon could gather from them, he judges they will keep the peace with the English, and that they are trying to unite all the privateers for an attack on Vera Cruz, where it is probable that they may be lost. A vessel from Curaçoa four days ago reports the arrival of a new Governor, who had sent to Vera Cruz a Spaniard long embargoed there with one hundred and ten negroes. I heard yesterday that our frigate had reached the Isle des Vaches, but got no news of the pirate. Here we all guess that he is gone to the Virgin Islands to quit the vessel and disperse, so that that coast will be clear. I hope it will be so, to leeward too, for Captain Coffin, whom I sent in a sloop with seventy men, killed the captain and seven men, and wounded twenty more men of one privateer, and damaged another considerably; but both got away with oars. He brought in a Frenchman

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or two who have been executed, and we have one, who was gunner of La Trompeuse, prisoner. Two or three petty insignificant Frenchmen have sent me word that they will spare our nation, and bring in those that do not. So that when our galley has taken one range along the coast and through the Cays, these rogues will be sufficiently awed. I have put my own credit apeak, and striven by means of our own forces to save the King's money, and let the rogues know that we are always strong enough to put down pirates. 2 pp. Recd. 28 May 1683. [Col. Entry Bk., Vol. XXX., pp. 152-153.]

March 3.
Whitehall.

993. The Earl of Sunderland to the Envoy Extraordinary of Denmark. I have to bring to your notice the complaint of the Governor of the Leeward Islands against the Governor of St. Thomas for seizure of a sloop and detention of seven servants (*see ante*, No. 777). The King, being assured of the King of Denmark's friendship and justice, asks that the sloop and servants may be forthwith restored. *Draft.* 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 61, and Col. Entry Bk., Vol. XLVII., p. 84.]

March 7.
Maryland.

994. Certificate by James Conaway, Alexander Dennett, and Robert Jones, that they have taken the latitude of Palmer's Island at the mouth of Susquehanna River at head of Chesapeake Bay, and found it to be $39^{\circ} 44' N.$ *Copy certified by Lord Baltimore.* 1 p. [Col. Papers, Vol. L., No. 62.]

March 8.

995. Journal of Lords of Trade and Plantations. Petition of Captain Talbot read, praying for the appointment of a day for consideration of his proposals concerning Newfoundland, and assuring the Lords that they mean no expense to the King. The Lords having often laid the matter before the King, decline to do so again. Petition of Richard Buller read (*see No. 984*). Report agreed on (*see No. 1009*). [Col. Entry Bk., Vol. CVII., pp. 130-131.]

March 8.

996. Opinion of the Attorney-General on the petition of John Totton (*see ante*, No. 934 i.). In rigour of law the goods seem forfeited, being brought thither by the master, and the owners that entrusted him liable to the master's action in such case. But this appears to be a case of so much hardship, that I think the petition a most proper subject of the King's favour, both for restitution of the King's share and for the royal order to the Governor to restore the residue. *Written at the foot of a copy of the petition.* Signed, R. Sawyer. *Memorandum in Entry Book only,* that it was thought best to leave petitioner to his legal remedy. [Col. Papers, Vol. L., No. 63, and Col. Entry Bk., Vol. LXXXII., p. 95.]

March.
New Hampshire.

997. Deputy Governor Barefoot to Lords of Trade and Plantations. In the absence of Governor Cranfield I give you an account of the colony. I have lived in the country nearly five and twenty years, and, being connected by marriage with many families, am thoroughly informed of the designs and intrigues of

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the malignant party which ruled while this province was under the Massachusetts. This party submitted very unwillingly to the change of government, and, although Massachusetts exercises no authority in New Hampshire, it influences things as it pleases. There is a strict confederation of the ministers and church members here and in Massachusetts, and they govern the people as they please. No pope ever acted with greater arrogance than these preachers. They stir up the people to disloyalty and sedition, and censure all who agree not with their principles and peevish humours. Their misbehaviour has given the Governor much trouble, for, owing to the preachers, no good Bill could ever pass the Assembly. The rising, at its dissolution, has been reported to you. *Signed*, Walter Barefoot. *Holograph*. 1 p. *Endorsed*. Recd. 9 June 1683. [Col. Papers, Vol. L., No. 64, and Col. Entry Bk., Vol. LXVII., pp. 88-89.]

March 13. 998. Minutes of Council of Virginia. Mr. Henry Whiting summoned to appear next Council day. The Council made representations to the Governor that the usual method of summoning juries be followed in the present trials; that Indians should be forbidden to come to town; that the windmill at Greenspring is the best place for the King's stores. Order for all collectors to send in a return of shipping from June 1680 to July 1682. Proclamation for John Haleys, the notorious plant-cutter, to surrender before the 1st April. Minute of the Council requesting the Governor to increase the soldiers by eleven men, and to furnish and equip a vessel of war against pirates. Minute pointing out that the allegations of Thomas Sands are mistaken, and begging the King to take no notice of such petitions as his in future. Proclamation for enforcement of laws respecting presentments of grand juries and the sowing of food-crops by titheable men. [Col. Entry Bk., Vol. LXXXIV., pp. 156, 157, 160, 173, 175.]

March 13. 999. Minutes of Council of Barbados. The joint committee of the two Houses not being ready with their report, the Council adjourned.

March 14. Warrant to Simon Cooper for an advance of 400*l.* for building the magazine. Order for a penny a letter to be the postage fee within the Island, and for the establishment of a post office, the postmaster to give 500*l.* security.

March 15. Order for precepts for holding of Grand Sessions to be published on Sunday, 26th, again Monday, 2nd April, and for the Provost Marshal to agree for the usual house for the sessions. The joint committee brought up its report, and the Assembly brought two Bills for ascertaining parish boundaries and for a committee of public accounts.

March 16. The latter Bill read thrice and passed, also a Bill for a levy on windmills, and, after amendments, the Bill for ascertaining parish boundaries. The Council recorded a protest against the drawing of the Act for a levy on windmills, or any such unequal method of raising money into a precedent. [Col. Entry Bk., Vol. XI., pp. 559-563.]

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- March 13. **1000.** Journal of Assembly of Barbados. Richard Guy being absent through sickness, Edward Littleton was chosen Speaker.
- March 14. Bill for ascertaining parish boundaries read a second time.
- March 15. The same Bill read a third time and passed. Address to the King reported and passed. Voted that a present of 500*l.* be made to the Governor, to be raised by an imposition on windmills. Bill to revive Act for Committee of Public Accounts read.
- March 16. Bill for a levy on windmills, for the Committee of Public Accounts read; Bill for ascertaining parish boundaries read with the Council's amendments and passed. Address to the Governor for payment of six months' salary to the Clerk and Marshal. [Col. Entry Bk., Vol. XIII., pp. 516-520.]
- March 14. **1001.** Proclamation of the General Court of Massachusetts, Boston. fixing the 10th May as a day of humiliation. Printed. 1 *p.* Endorsed. Recd. 4 June 1683 from Mr. Randolph. [Col. Papers, Vol. L., No. 65.]
- March 14. **1002.** Journal of Assembly of Nevis. The Governor proposed that the impost on liquors which is about to expire be prolonged till some time in September. The Assembly prolonged it at full rates to the end of September, and at half rates for six months longer. The Governor proposed that some allowance should be made for any soldiers that might be maimed in the expedition against the Indians. The Assembly agreed that the wounded should be taken care of by the public, and the maimed granted a pension. Petition of the Assembly to Sir William Stapleton that, in view of the damage sustained by the Island through two hurricanes, long drought, and the Indian expedition, and of the hardships entailed on the remaining inhabitants by guards, the rigidity of the law [respecting guards?] may be relaxed till February next. [Col. Papers, Vol. XLIX., No. 73.]
- March 17. **1003.** Extract of a letter from the King of Denmark to the Governor of St. Thomas. Rebuking him in the strongest terms for his seizure of a British sloop, and ordering him to restore the ship and the fugitive servants forthwith, on pain of arbitrary punishment and loss of life. Any further complaints of violence or injury to the English will assuredly bring this punishment on him. Copy. 1½ *pp.* Endorsed. March 17, 1682/3. [Col. Papers, Vol. L., No. 66, and Col. Entry Bk., Vol. XLVII., p. 85.]
- March 17. **1004.** Return of shipping from 17th December 1682 to 17th Barbados. March 1683. [Col. Entry Bk., Vol. IX., No. 6.]
- March 19. **1005.** Journal of Lords of Trade and Plantations. The Attorney-General's report on the petition of John Totton read (see No. 996). The Lords, seeing that the ship and goods were seized for breach of the Acts of Trade and Navigation, decide to leave petitioner to his legal remedy.

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Order that Mr. Hannay, Provost Marshal of Barbados, see the papers sent by Sir R. Dutton, and put in writing what he hath to say.

Report on Chambré's case read and approved. [Col. *Entry Bk.*, Vol. *CVII.*, p. 132.]

March 20. 1006. Sir William Stapleton to William Blathwayt. The Nevis.

accounts of the respective Islands shall be sent to you shortly. I am fitting out men and vessels against the Indians, who are making preparations against us, not only in St. Vincent, St. Lucia, and Dominica, but also from the Main and from Tobago, which is now deserted by the Courlanders and the Dutch. The Indians are plaguing the Dutch at Surinam, who will have to desert it if not timely succoured. We are as much on our guard on all these Islands as if a French war were actually declared. I embark Thursday next in such small vessels as I can procure. I have written to Sir Richard Dutton for help against these barbarous murderers. They are ninety leagues to windward of us, and only twenty to leeward of Barbados. I write to you instead of to the Lords, since I cannot give any perfect account till I have gathered the detachments of all the Islands together, which I hope to accomplish at Antigua at the latter end of this week. I chose Antigua as the most windwardly island, from which we can fetch any of the islands above named. Necessity compels me to go a-hunting Indians, which is worse than hunting miquelets in Catalonia or bandits in Italy, but I judge it better to prevent their design by aggression than to live in perpetual fear, which comes in the night at any hour like a thief and a robber. Many thanks for your information about Billop. Truly, I think my masters at home are more affronted and concerned in his accusation than I, but my only desire is to serve the King. Signed, Wm. Stapleton. Postscript.—I have commissioned Colonel Hill of the Militia Deputy-Governor of St. Christophers. Holograph. 1½ pp. Endorsed. Recd. 18 May. Read 25 May 1683. [Col. *Papers*, Vol. L., No. 67, and Col. *Entry Bk.*, Vol. *XLVII.*, pp. 94, 95.]

March 20. Virginia.

1007. Lord Culpeper to [Sir Leoline Jenkins ?]. I am so pressed for time that I cannot write much. The bearer, Captain Arnold, will tell you everything; he is an understanding man, both by sea and land, and the oldest of our shipmasters, and therefore you may like to bring him to the Committee. Success beyond my expectations has attended my endeavours here, and you need doubt little of peace and quietness here so long as tobacco bears a price, which I hope will be two years at least. I am going to Maryland this day se'nnight to consult with Lord Baltimore on the common interest of both Colonies as to tobacco, though without taking notice of the King's letter to him or to anyone else, keeping it in reserve against the time when it will be more needful. In Council I have committed three or four tobacco-cutters for treason, who will be tried for their lives next April, and, if the jury find them guilty, will be made examples. Lastly, the Indians are very quiet. One cannot answer for so treacherous a people, but I

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expect little trouble on that side. I expect the King's customs to rise more this year than they fell last, and that this country will afford fifty thousand hogsheads. All hands are at work, none excepted. Yet there is an evil spirit at work which governed in the time of anarchy, stopped ships, and cut plants, a spirit that cannot well submit to a strict government. Sir Henry Chicheley died on 5th February. Pray prevent any measures for the appointment of another Lieutenant-Governor till you hear from me. I have been so active that I have been over almost the whole country, and I have not misspent my time. *Signed, Tho. Culpeper, Holograph. 1½ pp. Endorsed, "For yourself," in Culpeper's hand, and in Sir L. Jenkins's hand, Rec. 5 May '83. [Col. Papers, Vol. L., No. 68.]*

March 20. **1008.** The Secretary of Virginia to Lords of Trade and James' City. Plantations. I send the Journal of Assembly and the Acts of this Session. I suppose that time spent, or rather misspent, in long debates between the Houses on no more important business than the desire of the Clerk and House of Burgesses to join members of Council to their Committee will not pass without animadversion. As the matter represents itself, the Governor and Council may be censured, but I beg leave to explain. Great sums of tobacco were to be raised to pay off the four garrisons, two years in arrear; again, the late disorders had caused great expense. There was no standing revenue to discharge the same, nor other means of obtaining the money than by the ordinary course of the Assembly raising tobacco by the poll. Meanwhile, the peace of the Government was not so firmly settled as to render safe fresh hazards; and the House of Burgesses, making use of this, raised an expectation of gaining their floaty desires. I hope, considering all these circumstances, that we shall gain your favourable opinion. Our great anxiety is to avoid such imposition as this, but it is hardly possible in the absence of a fund to meet current expenses, so we are driven to an Assembly the convening of which brings on the counties expense which often exceeds the whole cost of Government. This was formerly met by a law empowering the Governor and Council to levy a charge not exceeding thirty pounds of tobacco per poll on the people. This law revived, or another law like it, would enable the Governor and Council to carry on the Government without the expense of too frequent Assemblies, and we propose to lay an exact account of the sum so raised and of its disbursement before the next Assembly. The Session over, Lord Culpeper's arrival soon smoothed matters over, and all is now quiet. *Signed, Nicho. Spencer. 1½ pp. Endorsed. Recd. 21 May 1683. [Col. Papers, Vol. L., No. 69, and Col. Entry Bk., Vol. LXXXII., pp. 99-102.]*

March 21. **1009.** Order of the King in Council. Report of Lords of Whitehall. Trade and Plantations on petition of Richard Buller. We recommend that the Governor of Virginia be instructed that, if the forfeiture of Buller's goods belong to your Majesty, and it appears

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that sufficient time was not given to him to become aware of the laws, the goods shall be restored to him, provided that they are still in specie and in your Majesty's power; otherwise the Governor of Virginia shall report on the case. *Dated 8 March 1682/3. Ordered accordingly. [Col. Entry Bk., Vol. LXXXII., pp. 97-99.]*

March 21.
Whitehall.

1010. Order of the King in Council. Referring the petition of Mary Ayres to Sir Richard Dutton for his report. Petitioner complains that Sir Richard, when Robert Smith the appointed executor came to prove the will of her late husband, took from him all the property, saying that he was the father of all orphans. *[Col. Entry Bk., Vol. VII., pp. 185-186.]*

March 22.
Westminster.

1011. Patent granting to James, Duke of York, his heirs and assigns, "all that, the town of Newcastle, otherwise called Delaware and fort therein or thereunto belonging, situate, lying and being between Maryland and New Jersey in America," and all land &c. within the circle of twelve miles about said town. *[Patent Roll, temp. Car. II., pt. 1, No. 24.]*

March 23.
New Hampshire.

1012. The case of Walter Barefoot as proved at his trial with Robert Wadleigh upon title of land in New Hampshire. The Massachusetts' Government, having usurped the province of New Hampshire, took upon itself to dispose of the land and about 1664 granted to Samuel Simonds, one of the Massachusetts' magistrates, six hundred and forty acres of land at Lampercel river. Samuel Simonds then granted to his son Harlakenden Simonds three hundred and twenty acres thereof. On 29th September 1664 the said Harlakenden sold his share to Walter Barefoot. Walter Barefoot, finding the Massachusetts' title to be bad, obtained in 1667 a grant by deed of sale from Major Nicholas Shapleigh, attorney to Robert Mason, proprietor, and being in possession of the land spent upwards of 700*l.* on it. In 1669 he sold the land with its appurtenances to Robert Wadleigh, who, in 1671, released all his right thereto to Barefoot, to whom he was heavily indebted, in consideration of which Barefoot granted him a general release. Wadleigh by favour of the Government of Massachusetts still kept possession, and Barefoot could get no relief. In February 1683 Barefoot brought his action against Wadleigh for recovery of the land and for damages, and produced sundry deeds in support of his title, whereas Wadleigh showed no title and made no defence, but simply said to the jury "I leave my case with you. I hope you believe that I have a title to those lands, for it concerns you all." The jury after several hours consultation found for Wadleigh without any reason given. Barefoot thereupon appeals to the King and Council. *Signed, Richd. Chamberlain. Authenticated by the signature of the Governor and by the public seal. 2*1* pp. Annexed,*

1012. i. A second statement of the case by the same hand, entering at length into Robert Mason's title. 3 pp.

1012. ii. Copy of the grant of the land to Samuel Simonds by the General Court of Massachusetts. 1*1* pp.

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1012. III. Copy of Samuel Simonds' certificate of his grant of land to Harlakenden Simonds. 1 p.
 1012. IV. Copy of covenant between Simonds and Walter Barefoot for sale and purchase of the land. 1 p.
 1012. V. Copy of power of attorney given by Robert Mason to Colonel Nicholls. 3 pp.
 1012. VI. Copy of power of attorney given by Colonel Nicholls to Major Nicholas Shapleigh. 2½ pp.
 1012. VII. Copy of deed of sale of the land from Nicholas Shapleigh to Walter Barefoot. 6 pp.
 1012. VIII. Release given by Robert Wadleigh and Jonathan Thing to Walter Barefoot. 1 p.
 1012. IX. Copy of the last named. 1 p.
 1012. X. Copy of deed of Robert Mason to Walter Barefoot. 15 Feb. 1683. 4½ pp.
 1012. XI. Routine proceedings with respect to the action. Barefoot *versus* Wadleigh in New Hampshire. January—February 1683. *Copy.* 2 pp.
 1012. XII. Record of the trial. Barefoot *versus* Wadleigh. 13 February 1683. 1 p.
 1012. XIII. Copy of summons to Robert Wadleigh to defend Barefoot's appeal to the King in Council. 1 p. 5 March 1683.
 1012. XIV. Letter of attorney from Walter Barefoot to Edward Randolph to prosecute his appeal. 1 p.

All the above documents certified by Richard Chamberlain.
[Col. Papers, Vol. L., Nos. 70, 70 I.—XIV.]

March 23. **1013.** The case and title of George Walton to his land in New Hampshire. Robert Mason on 22nd April 1681 confirmed to George Walton a parcel of land on Great Island formerly granted by his agents. Jeremy Walford and John Amazeen pretended a town grant of the year 1658 for some of the land, though never improved. The jury, being all of them possessed of lands by virtue of town grants derived from the authority of Massachusetts, found against Walton, who appeals to the King in Council. *Signed,* Rich. Chamberlain. *Authenticated* by the hand of Governor Cranfield and the public seal. 1½ pp. *Annexed,*

1013. I. Record of the trial held at Portsmouth, 13th February 1683. 1 p. *Copy.*
 1013. II. Summons to Jeremy Walford, John Amazeen, and John the Greek, to defend upon the appeal of George Walton. ½ p. *Copy.*
 1013. III. George Walton's power of attorney to Edward Randolph to prosecute his appeal. 1 p. *The above documents certified by Richard Chamberlain.* [Col. Papers, Vol. L., Nos. 71, 71 I.—III.]

March 24. **1014.** Journal of Lords of Trade and Plantations. Mr. Hannay's statement and Hanson's second petition read (*see Nos. 915 I., 1015*). Hanson, being questioned, confessed that while in custody he had

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been kept in no duress nor discomfort, though Mr. Hannay had refused to let him go drink with his friends in the town. Hanson again moved the Lords not to put in suit the bond of the ship's master who brought him over, but the Lords again refused. The Lords decided that if Hanson have any more to say against Sir R. Dutton he shall produce it within a fortnight, and give security to return to the island to answer the law if the King so decide; to which Hanson agreed. The Lords find no blame in Hannay for Hanson's escape. [Col. Entry Bk., Vol. CVII., pp. 134-135.]

- [March 24.] **1015.** Petition of George Hannay to Lords of Trade and Plantations. Samuel Hanson's original case briefly recapitulated. Hanson, being accused of having divulged a letter addressed to the Governor, was committed to prison, and remained in custody at Hannay's house upon his reputation, there being no gaol in Barbados but a small house taken up for temporary use by Sir Jonathan Atkins after the destruction of the common gaol by a hurricane. Hanson had all the civil and kind accommodation that he could desire, but on 27th November made his escape contrary to his word and promise given to Hannay, and contrary to the law that forbids masters of ships to carry passengers without a license, whereby Hannay is liable to great damages. Sir Richard Dutton thought fit to send Hannay after Hanson to give testimony in the matter, and now awaits your orders in that respect. *Copy.* 2 pp. *For date, see No. 1014.* [Col. Papers, Vol. L., No. 72.]
- March 24. **1016.** Commission of the Governor and Company of Massachusetts to the Agents, Joseph Dudley and John Richards. 1 p. *Copy. Certified by the Agents.* [Col. Papers, Vol. L., No. 73, and Col. Entry Bk., Vol. LXI., pp. 172-173.]
- March 24. **1017.** Warrant of the Lords Proprietors of Carolina. For the passing of 800 acres each to Mr. Francis Devowsery and Arthur Middleton, though they bring no servants for the same, in consideration of their industry in the growth of wine in Carolina. [Col. Entry Bk., Vol. XX., p. 209.]
- March 25. **1018.** The Secretary of Virginia to Sir Leoline Jenkins. The country is quiet. The rise of the price of tobacco has quieted the minds of our unthrifty inhabitants, who cannot be persuaded to undertake some new industry, but prefer to live miserably by tobacco. The pleasing thought of a cessation of planting they have for the present laid aside, but when the market is again cloyed with tobacco (as it probably will be in two years' time, for never was greater promise of a crop than this spring), then they will cry out again for a cessation, which, if granted, would only serve to enrich some few and make the generality far more miserable. By my observation I cannot persuade myself that either a cessation or a stint in the number of plants will effect what is intended. The work must do itself; the crop must grow to such vast quantities that no one will come to fetch it, and then the law of necessity will force them to new industries. Last

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summer I gave you an account of the robberies done by pirates. Five of the actors were afterwards taken by the Government of Rhode Island and sent thence to Virginia with part of the stolen goods. They were committed to gaol well laden with irons, but a little before the time for trial broke prison and made their escapes. Two were retaken, but the most notorious got clear off. The two recaptured were tried and condemned, and the warrant for the execution was signed and delivered to the officer. The day before they were to die they petitioned for two days' respite to prepare themselves, and one, a Polander, desired to be baptised, which was done by the Ordinary. The night before the day of execution they cleared themselves of their irons. Three days later they returned to prison by the same window whence they had escaped and sent word to the sheriff that they were ready to submit to their sentence, and that only the earnest desire to fit themselves for death had moved them to escape. So extraordinary a precedent stirred up many to petition the Lieutenant-Governor on their behalf, and he respited them till the King's pleasure were known. Lord Culpeper was not too well pleased either with the matter or the manner of the thing when he arrived, but he would not alter it.
Signed, Nicho. Spencer. 2 pp. Endorsed. Rec. 21 May. [Col. Papers, Vol. L., No. 74.]

1019. Duplicate of foregoing. *Seal in good preservation. Misdated 20th. [Col. Papers, Vol. L., No. 75.]*

March 26. 1020. Journal of the Council and Assembly of Antigua. Message of the President and Council to the Assembly, asking for its concurrence in providing a ship for transportation of Sir William Stapleton on the expedition against the Indians, and in payment of the necessary expenses. Message of the Assembly, agreeing to the proposal, provided Antigua's proportion of the expense be not exceeded. Lieutenant-Colonel Thomas Mallett, John Lucas, and Stephen Lawler to be the Assembly's members of a joint Committee to make the necessary arrangements. *[Col. Papers, Vol. XLIX., No. 81.]*

March 26. 1021. James Martin, a Quaker, to Governor Bradstreet. "To thee Simon Bradstreet Governor, this is to let thee understand that whereas the Lord by his mighty power has raised me up and made me a messenger of true tidings unto you in this town of Boston of what shall suddenly come to pass. This is therefore to desire thee, as thou prizest the welfare of those poor people in this world and also in that to come, that I may be eased of that burthen that lies upon me, having come several hundred miles in love towards you, which I hope I shall manifest to the understanding of every prudent man among you." The writer proceeds to ask liberty to preach, but promises to be orderly and make no disturbance.
1 p. Endorsed. [Col. Papers, Vol. L., No. 76.]

March 27. 1022. Governor Bradstreet to James Martin. I have received
 Boston. your letter wherein you say that you have a message from God to

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declare to the people of Boston. "Well, were it so, it is meet you should be heard, but forasmuch as I believe the contrary, and that it is but a delusion or a suggestion of Satan," I see no reason to grant your request. I have read the books of some of your leaders and found them most pernicious and heretical, and I should think it as reasonable to let a Jesuit or Popish priest preach as you, so I require you to leave this town and jurisdiction without giving us any further trouble or disturbance. *Copy. 1 p. Endorsed.* [Col. Papers, Vol. L., No. 77.]

March 27.
Barbados.

1023. Sir Richard Dutton to William Blathwayt. As soon as there is a vessel ready which is fit for me I shall start for England. The frigate to my great surprise is not yet arrived, for what reason it is impossible to say, for Lord Culpeper, who is here, cannot account for it. I have sent you two Bills that are passed with the proceedings of the Council for the last quarter. *Holograph. ½ p. Endorsed. Reed. 25 May. [Col. Papers, Vol. L., No. 78, and Col. Entry Bk., Vol. VII., p. 186.]*

March 27.
Boston.

1024. Governor Cranfield to Lords of Trade and Plantations. Since Gove's rebellion new troubles have arisen in New Hampshire. Soon after it, several sympathisers with Gove riotously entered my dwelling-house and remonstrated against several things directed in my commission. Whereupon, finding myself very uneasy and not seeing where these matters would end, I sent Gove with a guard to Boston goal to be shipped off to England, and made Captain Barefoot my Deputy-Governor during my absence. And the better to secure the peace of the province I put out of the Council Major Waldern, Mr. Martyn, and Mr. Gilman, all great sticklers for the Boston interest, and appointed Captain Fryer and Mr. Elliott, persons of good estate, in their place. I enclose the grounds and reasons of my proceedings. I found Mr. Moody and his party so troublesome that I believed myself unsafe to continue longer among them, till I had a frigate to support my authority, and full instructions. I am come to Boston where I find the mind and conversation of the people much changed. The General Court is now sitting, and great efforts are used by the faction to continue the Government in their hands, and to that end they have summoned the inhabitants of the Colony to meet in their various towns on the 13th instant and sign a paper. Mr. Randolph brings home a copy of this paper. They stigmatised all who refused to sign as enemies to the Government, but, from my own knowledge, the most eminent persons for estate and some of the considerable freemen utterly declined to sign that address, and, after all, they were so put to it for signatures that they solicited strangers and servant boys to fill up their numbers. I had an opportunity this week of conversing with Mr. Hinkley, Governor, and Mr. Lathrop, one of the magistrates of New Plymouth. I find them weak men and very unfit to be concerned in Government. It is true that the inhabitants are generally low in estate, but their greatest lack is of able men to govern the Colony. Mr. Randolph will give you

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further particulars as to the different Colonies. Mr. Orchard of this town has attended the General Court and desired to make out the matter of fact laid down in his petition to the King. Failing that, he pressed me to take the affidavits of witnesses, but being outside my Government I refused to take cognizance of it unless he could go to the expense of carrying his witnesses to England. He is not at present likely to recover his cause against this Colony. I received a letter lately from the Deputy Governor of New Hampshire saying that the Council met on 13th instant and, pursuant to instructions, pressed all receivers of public money to send in their accounts since September 1679 to be audited by Mr. Blathwayt's deputy. The receivers, being backed by Captain Vaughan, one of the Council, refused to do so, under pretence that such moneys were raised for the use of the towns and not for the support of the Government, which, indeed, was only a trick to avert the discovery of their malversations. They also refuse to pay any money into the public treasury, but take upon themselves to dispose of it by the hands of their several trustees, instead of by my warrant, as ordered in my instructions. I communicated the clause to the Assembly to the intent that they might also examine the accounts, but I find that they make it their whole business to cavil at any order contained in the King's commission and instructions. The General Court here has been sitting for seven weeks. Its principal business has been to consider whether they should give their agents any further instructions as to the regulation of their Government and deliver up the Province of Maine to the King. I am told by some of the Deputies that after many sharp debates they have carried it in the affirmative, but this, though it looks dutiful, is only to gain time, for they have not yet repealed any one law nor passed one Act tending to the King's satisfaction. Without compulsion the King can expect no obedience, whatever be pretended to the contrary. *Signed, Edward Cranfield. 2 pp. Endorsed with a long précis.* Recd. 4 June 1683. *Annexed,*

1024. i. Reasons for displacing Major Richard Waldern, Mr. Martyn and Captain Gilman from the Council of New Hampshire. *Against Waldern.*—1. For fining and imprisoning the King's Customs' officers for doing their duty. 2. For words spoken to Captain Pierce of the Newbury in December last. 3. For admitting the ketch George to trade in the province though a Scotch ship. 4. For granting attachments contrary to law. *Against Martyn.*—1. For refusing appeals to the King. 2. For permitting the ketch George to trade. 3. For saying, that 'twas no end to appeal to the Council Board as strangers could expect no justice there. 4. For keeping silence about Gove's plot of which he was aware, and encouraging Gove. *Against Gilman.*—For suffering Gove and his party to rendezvous in his house, though himself a captain of a company and justice of the peace. *Signed, Edw. Cranfield. 1 p. Endorsed.* Recd. 4 June 1683.

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1024. ii. Duplicate of the foregoing. 1 p. *Endorsed.* [Copy in Col. Entry Bk., Vol. LXVII., pp. 90, 91.]
1024. iii. Affidavit of Edward Cranfield as to the words spoken by Richard Martyn that there was no justice at the Council Board. *Sworn at Boston before Peter Bulkeley.* 30 March 1683. $\frac{1}{2}$ p. *Endorsed.* Recd. 4 June 1683.
1024. iv. Similar affidavit respecting words spoken by Richard Waldern to Captain Pierce of the Newbury. $\frac{1}{2}$ p. *Same endorsement.*
1024. v. Similar affidavit as to words used by Joshua Moody respecting the ketch George. $\frac{1}{2}$ p. *Same endorsement.* [Col. Papers, Vol. L., Nos. 79, 79 i.-v., and Col. Entry Bk., Vol. LXVII., pp. 85-88.]

March 27.

- April 6. 1025. Orders of the Chevalier St. Laurens, Commander-in-Chief of the French possessions in America. For the warning of the Governors of all Dutch, Danish, and English possessions, that the French have orders from their King to confiscate all foreign vessels dropping anchor in his ports. 2 pp. *French.* *Endorsed and inscribed.* Recd. 24 Feb. 1683-84. [Col. Papers, Vol. L., No. 80.]

March 27.

- Barbados. 1026. The Secretary of Barbados to Lords of Trade and Plantations. Forwarding quarterly return of the proceedings of the Council from 7th December to 7th March. *Signed,* Edwyn Stede. $\frac{1}{2}$ p. *Endorsed.* Recd. 24 May 1683. [Col. Papers, Vol. L., No. 81, and Col. Entry Bk., Vol. VII., p. 187.]

March 28.

- Whitehall. 1027. Order of the King in Council. Report of Lords of Trade and Plantations. We have considered the petition of Mons. de Chambré and the answer of Mr. Freeman. The case, we find, is one that was remitted to decision of your Majesty and the French King. We recommend therefore that, as soon as the French ambassador here shall receive power to treat of and determine the differences pending in relation to the Leeward Islands, you would appoint Commissioners for the same purpose, according to a former report of 3rd December 1675. A copy of this should be sent to Lord Preston, your ambassador at Paris, that he may make the necessary arrangements. Meanwhile the Governor of the Leeward Islands should be instructed not to disturb De Chambré's possession of the estate, nor to oblige him to pay further taxes than are imposed by the law of the country pending a final decision. Dated 10 Feb. 1682-83. Ordered accordingly. *Signed,* Francis Gwyn. 2 pp. *Endorsed.* [Col. Papers, Vol. L., No. 82, and Col. Entry Bk., Vol. XLVII., pp. 74, 75.]

March 29.

1028. Warrant of Governor Cranfield to Thomas Joules, master of the ship Richard of Boston, to transport Edward Gove, lately sentenced to death for high treason, to England, to be executed there according to the King's order. *Copy.* 1 p. *Endorsed.* [Col. Papers, Vol. L., No. 83.]

March 29.

1029. Depositions of Richard Paine and Nehemiah Partridge, Respecting the refusal of Richard Chamberlain to furnish copies of

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Edward Gove's trial until it had been laid before the King. *Signed* by the deponents and two witnesses. $\frac{3}{4}$ p. *Endorsed*. [Col. Papers, Vol. L., No. 85.]

March 29.

1030. Warrant to Thomas Joules, of the ship Richard, to transport Edward Gove to England and keep him till demanded by warrant of a Secretary of State. *Signed*, Edw. Cranfield. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. L., No. 83.]

Copy of foregoing. [Col. Papers, Vol. L., No. 84.]

March 30.

Boston.

1031. Governor Bradstreet to Sir Leoline Jenkins. I received the King's orders respecting Mr. Mason in November. On the 26th January I received a letter from Mr. Mason, which I submitted to the General Court and answered according to its direction (*see ante*, Nos. 803, 955). Since then Mr. Mason has been in Boston when a court was sitting, but has made no further motion in his business. There is no denial or delay of justice to Mr. Mason in this affair. *Signed*, S. Bradstreet, Govr. 1 p. *Endorsed*. Recd. from Mr. Randolph, 4 June 1683. [Col. Papers, Vol. L., No. 86.]

March 31.

Boston.

1032. The Governor and Company of Massachusetts to the King. Profuse congratulations on the preservation of the King's life, and thanks for the extension of time granted to the agents. We are assembled in General Court to carry out your gracious command, and it is a grief to us beyond expression that by any proceedings and delays we should have been so offensive to you. Our agents will tell you what we have done respecting the Acts of Trade. We beg you not to improve our past errors to vacate our charter. We will carry out your regulations and give willing obedience, and we have empowered our agents as you required. *Signed*, Simon Bradstreet. 1 p. *Endorsed*. Read 12 June. *Inscribed*. Recd. 8 June. [Col. Papers, Vol. L., No. 87, and Col. Entry Bk., Vol. LXI., pp. 171-172.]

March 31.

Boston.

1033. Laws made at the General Court of Massachusetts, held 31st March 1683. Law to prevent all deceit by opening mines, &c., that the King may have his due. Law to amend the law for the erection of a naval office. Laws to amend the shipping law, and the law respecting freemen. Commissions of military officers to be altered where not according to law. *Printed*. 2½ pp. *Endorsed*. Recd. from Mr. Randolph, 4 June 1683. [Col. Papers, Vol. L., No. 88.]

April 2.

Boston.

1034. Governor Cranfield to Sir Leoline Jenkins. I have shipped off Gove for England in the ship Richard. The captain is by agreement to receive twenty pounds. *Signed*, Edw. Cranfield (*see ante*, No. 1028). $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. L., No. 89.]

April 2.

James City.

1035. The Secretary of Virginia to Sir Leoline Jenkins. You will hear by this conveyance of the great indignity put on this

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Government by Captain John Tyrrell of H.M.S. Mermaid, in carrying away a servant of one Thomas Skevington, of which I also must apprise you. Some time after the arrival of the Mermaid in York River, Skevington with his servant Robert Aron went on board her, where the servant told the Captain that some time before he had served in H.M.S. Orangetree when Tyrrell was her Captain. Tyrrell detained the servant; Skevington complained; I was ordered to desire the Captain to restore the servant, and on receipt of his reply a warrant was issued to the Sheriff to demand delivery of the servant, notwithstanding which the Captain carried him away. Copies of the documents are enclosed. From them you will perceive how the Government is slighted. *Signed*, Nicho. Spencer. $1\frac{1}{2}$ pp. *Endorsed*. Rec. 31 May. *Annexed*,

1035. i. The Secretary of Virginia to Captain Tyrrell, R.N. Mr. Skevington's complaint of your detaining his servant on board H.M.S. Mermaid was heard before Council to-day. You are required not to export the said servant from the Colony, which if you presume to do, will be reported to the King as a high contempt of his authority. *Signed*, Nicho. Spencer, Feb. 22, James City. *Copy. Certified by Nicholas Spencer. $\frac{1}{2}$ p. Endorsed*.

1035. ii. Captain Tyrrell, R.N., to the Secretary of Virginia. I have received your letter requiring me to give up Robert Aron, who was lately enticed to come from Virginia as servant to the Governor. He belonged formerly to the King's ship Orangetree under my command, was deluded into coming to Virginia, and sold for a considerable quantity of tobacco to Mr. Todd in York River. He then came on board me as a volunteer, and I took him into the King's service, to answer for formerly leaving His Majesty's colours; but I would be obedient in anything that is for the King's service. The man who brought him to Virginia is here, and can tell the Governor on what conditions he came; but you may undoubtedly believe that Aron has deserted the King's navy, and as I am in want of men, owing to mortality, I do think that Aron, being a seaman, cannot serve the King better than on the Mermaid. The captain and boatswain that brought him over are willing, and I will be responsible to the Admiralty for exporting him from this Colony. I never enticed or persuaded him to come on board. *Signed*, Jon. Tyrrell, Feb. 23, H.M.S. Mermaid, in York River. *Copy. Certified by Nicholas Spencer. 1 p. Endorsed. Recd. 21 May.*

1035. iii. Warrant from Lord Culpeper to the Sheriff of York County, to go on board H.M.S. Mermaid and demand and bring off Robert Aron. Dated Feb. 24, 1683. *Copy. $\frac{1}{2}$ p. On same sheet,*

1035. iv. The Sheriff's return, dated 26th February. In obedience to my warrant I went on board the Mermaid and asked for Robert Aron. Captain Tyrrell said that

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he was ashore, and bade me come again. I went again on 28th February, when Captain Tyrrell said that Aron was on board, but that he was a deserter from the navy, and that he meant to keep him, but that his master, Mr. Skevington, should not be a loser, as the Captain and boatswain, who brought the servant over, were willing to pay all his worth. $\frac{1}{2}$ p. *Endorsed.* Recd. 21 May. [Col. Papers, Vol. L., Nos. 90, 90 I.-IV.]

[April 2.] 1036. Duplicate of the above enclosures. 4 pp. *Endorsed.* Recd. 28 Sept. 1683. [Col. Papers, Vol. L., No. 91.]

April 4. 1037. The Secretary of Virginia to Sir Leoline Jenkins. I have given you an account of the affairs of the Government, and transmitted to you the Acts of Assembly. This is to crave your pardon for offering you so mean a present as a hogshead of tobacco, to which I have asked Alderman Jeffreys to give worth by presenting it. For its kind I hope that it's as good as can be produced by this country. *Signed*, Nicho. Spencer. *Holograph.* 1 p. *Endorsed.* Recd. 19 or 21 May. [Col. Papers, Vol. L., No. 92.]

April 7. 1038. The King to Sir William Stapleton. We have received a petition from Mons. de Chambré respecting a plantation in St. Christophers (*see ante*, No. 1027). The case will be tried in Europe, and meanwhile you will see that he is not disturbed in the possession of his estate, nor subject to taxes other than are established by law. *Countersigned*, L. Jenkins. [Col. Entry Bks., Vol. XLVII., pp. 83-84, and Vol. XCIX., p. 206.]

[April 7.] 1039. Commission to Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimpton, John Winthrop, Edward Palms, John Pyncheon, junior, and Nathaniel Saltonstall, junior, to enquire into the titles of the various claimants to the Narragansett country. *Countersigned*, Sunderland. *The date is left blank in this entry.* [Col. Entry Bk., Vol. XCIII., p. 170.]

April 11. 1040. Order of the King in Council. Referring a third petition of Samuel Hanson to the Lords of Trade and Plantations for examination. The Lords are on Tuesday next to examine George Hannay, Provost Marshal of Barbados, he being just upon his departure from England. *Signed*, Francis Gwyn. $\frac{1}{2}$ p. *Inscribed and Endorsed.* Recd. 17 April 1683. *Annexed,*

1040. i. Petition of Samuel Hanson to the King and Privy Council. In July 1681 I bought a ship called the Berkshire which sailed from London fully equipped at a cost of about 1,100*l.* in September 1681, and arrived in Barbados 18th September 1682, which was before Sir Richard Dutton had heard of my appeal against his judgment to your Honourable Board. On the 19th

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September, Thomas Hyatt, master of the said ship, attended the Governor and duly performed everything required by law respecting the said ship. But one of the mariners, unknown to the master or myself, had before entry secretly landed sixteen elephants' teeth worth 6*l.* (of the growth of Africa which pays the King no duty), which was contrary to the law, which requires that no goods shall be landed before entry except living creatures, and takes 2,000*l.* security from the Captain not to depart nor take any person on board without^t the Governor's ticket, under heavy penalties. The Governor hearing of the matter on the 20th September committed the master to prison, there to remain till the heavy penalty of 10,000 lbs. of sugar, provided by the Act, should be discharged. There he remained till the 28th November last, notwithstanding which the Governor, hearing in October that I had appealed to you as aforesaid, and was going to England to prosecute my appeal, not only committed me to prison on a frivolous charge, and kept me there five weeks on purpose to prevent my coming over, but to make my continuance more secure, knowing that I intended to ship a cargo and sail to England in this vessel on the 1st November, caused her to be seized and forfeited, and next day prevailed with Hugh Archer, Deputy Controller, to libel the same in the Court of Admiralty, whereof he himself is sole judge. Copy of the libel is annexed. On the 2nd November I and the master, who were both in prison, were cited to answer immediately to the said libel, which by our proctor we did, took a copy of it, and by advice of our counsel (though none durst sign it for fear) put in the plea and demurrer annexed. On filing this we were ordered to attend the court on 7th November to hear judgment, but were not permitted by the Provost Marshal to do so, nor could we prevail with any counsel (from fear, as I believe, of the Governor) to do so on our behalf. On this, the cause was put off till the following day when the Governor illegally overruled the demurrer *ex parte* in a Court of Admiralty and condemned the ship, her guns, tackle and furniture. After this she was exposed to freight for England for about a fortnight, when, as the whole Island, knowing the injustice that had been done, declined to put any goods on board her, she was sold by the incl^t of candle. She was put up at 250*l.*, but no one would advance a penny upon her except John Steward, one of the Governor's creatures, who offered one pound more than the upset and was declared to have lawfully bought her. I was and still am denied copies of the proceedings on the condemnation of the ship, though I have often demanded and offered to pay for them. Moreover, one Benjamin Bird, who had several offices in the Custom House, and was a relation of mine and a

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servant to manage my affairs, for which I allowed him a yearly salary, was by the Governor's influence turned out of employment for negotiating my concerns during my confinement. On the 28th November I made my escape in the night to a ship which was sailing for England. A day or two later, one Hannay the Provost Marshal, was sent after me, who is arrived in England and has waited on the Lords of Trade and Plantations, and given some information against me, though not on oath, and is now going back, because the Lords have postponed hearing my appeal till Sir Richard Dutton's arrival in England. This delay is not only prejudicial to my private affairs, but still more because Hannay is a most material witness on my side. I beg, therefore, the hearing of this and my two former appeals, and that Hannay may be sworn and questioned according to interrogatories submitted by me; also that my case may be referred to the Judges of the Common Law and the Court of Admiralty. *Signed,* Sam. Hanson. *Large closely written sheet.*

1040. II. The libel and appeal of Hugh Archer, Deputy Comptroller-General of the Court of Admiralty of Barbados, with Hanson's and Hyatt's reasons for not answering the said libel. 2½ pp. *Endorsed.* Recd. 6 April 1683. Read in Council the 11th. [Col. Papers, Vol. L., Nos. 93, 93 i.-II., and Col. Entry Bk., Vol. VII., pp. 198-199.]*

- April 13. 1041. The Attorney-General to the King. On the Duke of York's surrender of a patent granting him Newcastle and other lands, you are hereby pleased to grant him that same town and all the river of Delaware, and a tract of land on the west side thereof from Shookill [Schuylkill] Creek on the Delaware to Bomboy Hook and back into the woods so far as the Minquas country; and from Bomboy Hook to Cape Henlopen, now called Cape James, and back into the woods three Indian days. *Copy.* *Signed,* R. Sawyer. 2 pp. [Col. Papers, Vol. L., No. 94.]

- April 16. 1042. Minutes of Council of Virginia. Henry Whiting being summoned to appear to answer for using words of dangerous consequence, "if care be not taken for cessation, we must all go plundering with others;" and the same words being proved, was suspended from the Council and required to find surety for good behaviour. [Col. Entry Bk., Vol. LXXXIV., p. 159.]

- [April 17.] 1043. Interrogatories to be addressed to George Hannay, Provost Marshal of Barbados, in three causes depending between Samuel Hanson against Sir Richard Dutton. 6 pp. *Endorsed.* Recd. 17 April 1683. [Col. Papers, Vol. L., No. 95.]

- [April ?] 1044. A chronological digest of the history of the three causes pending between Samuel Hanson and Sir Richard Dutton. 10 pp. [Col. Papers, Vol. L., No. 96.]

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- [April.] **1045.** Answer of George Hannay to the interrogatories of Samuel Hanson. *Signed*, Geo. Hannay, 1683. 6 pp. [Col. Papers, Vol. L., No. 97.]

- April 17. **1046.** Journal of Lords of Trade and Plantations. The appeal of Robert Wright and Francis Pew against Robert Cornwall to be heard on Friday 27th.

Draft powers and instructions to Sir William Stapleton read and approved.

The Lord Privy Seal produced a letter from Lord Baltimore of 8th February (see No. 934) complaining of Mr. Penn's behaviour. Ordered, that the Lord Keeper examine the boundaries laid down in the patents of Lord Baltimore and of Mr. Penn, and in the Duke of York's patent for Newcastle, and meanwhile request the Duke to grant no conveyance of those parts to Mr. Penn till the dispute be settled. Sir John Werden undertook this on behalf of the Duke. Letters to be written to Lord Baltimore and Mr. Penn to compose their differences.

In reply to Mr. Jeaffreson, the Lords explained the word men, used in respect of malefactors for transportation, to include women.

Hanson's further complaint read (see No. 1040 i). Mr. Hannay to answer Mr. Hanson's interrogatories (see No. 1043). Memorandum of documents despatched and received. [Col. Entry Bk., Vol. CVII., pp. 136-141.]

- April 18. **1047.** Journal of Council and Assembly of Antigua. Order of his Excellency of 29th March, forbidding proceedings against those absent on the expedition against the Indians until their return, and asking for provision for the wounded and families of the killed. Message of the Council desiring the Assembly's concurrence in drawing up an Act to that effect. Message of the Assembly concurring; the proportion of grants for wounded or killed to be settled by two members of Council and two of Assembly. [Col. Papers, Vol. XLIX., No. 81.]

- April 20. **1048.** Minutes of Council of St. Christophers. Ordered that the Militia begin on the 21st instant to keep guards and horse rounds as formerly. [Col. Papers, Vol. L., No. 98.]

- April 20. **1049.** Abstract of proceedings of Council of St. Christophers from 20th April 1683 to 20th January 1684. 1½ pp. [Col. Papers, Vol. L., No. 99.]

- April 23. **1050.** The Governor and Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of the proceedings of Council from 7th December to 7th March, and of imports within the same period. *Signed*, Ri. Dutton, Fran. Bond, Robert Davers, Richard Howell, Sam. Newton, John Peers, Edwyn Stede, Henry Walrond, Thomas Walrond. ½ p. *Endorsed*. Recd. 27 June 1683. [Col. Papers, Vol. L., No. 100, and Col. Entry Bk., Vol. VII., p. 187.]

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- April 23. **1051.** Minutes of Council of Barbados. Order for a further advance of money to Simon Cooper for the Magazine, and for payment of six months' salary to the Clerk and Marshal of Assembly, for discharge of Edwyn Stede's disbursements in respect of stores and arms, and for payment of a year's salary of 50*l.* to Richard Bate.
- April 24. Order for payment to Samuel Newton for bricks for the Magazine, and for payment of the gunners and matrosses of Hole's and Oistin's forts. John Saunders to do the carpenter's work at the Magazine. Address of the Council and Assembly to the King. The Assembly brought up a Bill for the further accommodation of the Governor on his intended voyage, which was read thrice and passed. [Col. Entry Bk., Vol. XI., pp. 563-569.]
- April 23. **1052.** Journal of Assembly of Barbados. No quorum present.
- April 24. The levy upon windmills falling short by 110*l.* of the sum granted to the Governor, ordered that it be made up out of the money raised by the Excise Act. The Assembly's year expired this day. [Col. Entry Bk., Vol. XIII., p. 520, 521.]
- April 26. **1053.** Order of the King in Council. That the draft of powers and instructions for Sir William Stapleton submitted by Sir Leoline Jenkins, which were this day read and approved by the Board, be prepared for the royal signature. *Signed*, Francis Gwyn. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. L., No. 101.]
- April 26. **1054.** Order of the King in Council. On the petition of Sarah Bland, ordered that the Clerk of the Council in waiting do take sufficient security of Sarah Bland for her appearance at her appeal to the King in Council, and that she be excused from giving any further security in Virginia. *Signed*, Francis Gwyn. [Col. Entry Bk., Vol. LXXXII., pp. 119-120.]
- April 27. **1055.** Journal of Lords of Trade and Plantations. Mr. Cranfield's letter of 1st December read (*see* No. 824). In the appeal of Wright and Pew against Cornwall the Lords decide that the appellants put in their exceptions to former judgments in writing, to which the defendant shall reply in writing, when the whole case shall be referred to the Governor of New York for report.
- Lord Baltimore's agent, being in attendance, was informed that, if he had any complaint to prefer against Mr. Penn, he could represent it to the King in Council. [Col. Entry Bk., Vol. CVII., pp. 142-144, and Vol. LXVII., p. 57.]
- [April 27.] **1056.** Papers relating to an appeal brought before the Lords of Trade and Plantations in the case of Robert Wright and Francis Pew against Richard Cornwall.
- 1056. i.** Judgment of the Court of Assizes at New York in the first appeal from the Court of Sessions, confirming its decision with costs against appellant. 1 p. *Endorsed*. Recd. 27 April 1683.

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1056. II. Bond given by Robert Wright to prosecute his appeal in England, 7th October 1682. 2 pp.
 1056. III. Deposition of Elias Doughty in reference to the case, 20th November 1682. Sworn before Sa. Arnold and Thomas Willett, Justices. *Endorsed.* Recd. 27 April 1683. [Col. Papers, Vol. L., Nos. 102 I.-III.]

April 27.

- 1057.** Minutes of Council of St. Christophers. Ordered that persons elected to the Assembly, and not appearing to be sworn at the return of the precept, forfeit 2,000 lbs. of sugar for the fortifications. [Col. Papers, Vol. L., No. 98.]

April 28.
St. James's.

- 1058.** Instructions to Lucas Santem, Collector of New York. Printed in *New York Documents*, Vol. III., pp. 335-336. [Col. Entry Bk., Vol. LXX., pp. 46-47.]

[April ?]

- 1059.** Draft of a memorial in answer to Monsieur de la Barre, Governor of Canada. The King has considered Mons. de la Barre's letter of 11th November 1682. The complaints therein put forward are as follows:—1. That the English in those parts have furnished the Iroquois, old enemies of the French, with arms and ammunition in trade for furs. 2. That Mons. de la Barre, in attacking the Iroquois, cannot help attacking those who give them arms and shelter. He therefore begs the Duke of York, as proprietor of New York, to forbid such giving of arms and shelter. 3. The Hudson's Bay Company is beginning to build habitations in French territory. Mons. de la Barre will not trouble the English commerce at sea, but, if they continue to advance on land and debauch the Indians he will have the English expelled. In reply it is urged as follows:—The colonies formerly called Manhatters (*sic*) and Orange are English territory, now called New York and Albany, and were discovered by an Englishman, Hudson, about eighty years ago. In 1664 the King granted these territories to the Duke of York, and Colonel Nichols was appointed Governor. The Dutch took the colony in 1673, but it was restored at the treaty of Westminster 1674. It is surrounded by British colonies on all sides. The Iroquois stretch northward from British territory to the Canadian lakes, and their country has never been disputed to be under English sovereignty till Mons. de la Barré raised the question. The tribe, however, occupies territory beyond, as well as on this side of, the Canadian lakes, and is, by its own will, under the government of New York; the different nations thereof are the Oneidas, the Maquois, the Onandagas, the Coyogues, the Senecas. All five of these have always been on good terms with Albany, and avow themselves to be under English sovereignty. But the Maquois quarrelled constantly with the French Canadians till 1688, when a peace was made and trade opened. The French sell them every kind of liquor and weapon. In 1675 the Governor of Albany found it necessary to visit the Maquois, and went even to the stronghold remotest from Albany. His officers were received with submission everywhere, even by the Senecas, the most

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distant of all Iroquois. The Maquois were the first that attacked the rebel Sachem Philip in New England, and did excellent service. The result has been that the English are much mixed up with them over a large territory. The Indians living by hunting wished to get fire-arms, and they get as many from Canada as from New England or Virginia. It is baseless to assert that the English should be attacked for furnishing the Indians with arms. They cannot justly refuse to sell them arms as hunters and also as allies. As to Hudson's Bay the English in eighty years have taken possession of sundry places, without ever catching sight of a French sail. The Company, about fifteen years ago, explored further, and found a river at the head of the bay, made friends of the Indians, and have trafficked with them without interruption. It was then incorporated and granted its territories, and the treaties were confirmed with the Indians. In 1673 the French Governor of Canada lived on good terms with it, and certainly never complained as Mons. de la Barre does of its establishing trade settlements. The forts lately built are further from Canada than the Fort Charles built after the first exploration, and though they are on the coasts of the bay the Company upholds its right to penetrate much further inland by virtue of its patent. The King, on the whole matter, thinks that the people should not be interrupted by Mons. de la Barre, and begs that the French King will give orders accordingly. *French.* 9 pp. [Col. Entry Bk., Vol. XCIX., pp. 197-205.]

April 30.
Barbados.

1060. Commission from Sir Richard Dutton to John Witham, to be Deputy Governor of the Island of Barbados. *Copy.* 1½ pp. [Col. Papers, Vol. L., No. 103, and Col. Entry Bk., Vol. VII., pp. 192, 193.]

May 1.

1061. Instructions from Sir R. Dutton to John Witham. Twenty-two heads. The only remarkable instruction is, to see that the Colonels of Horse be diligent in sending out patrols of horse on Saturday evenings and on Sundays, to prevent the disorderly meetings of negroes who assemble in several places in great numbers at those times, to the terror of the inhabitants. [Col. Papers, Vol. L., No. 104, and Col. Entry Bk., Vol. VII., pp. 192-196].

May 1.

1062. Minutes of Council of Barbados. The Governor acquainted the Council and Assembly that he had appointed John Witham to be his Deputy, and handed him his commission and instructions. Adjourned to 15th instant. [Col. Entry Bk., Vol. XI., p. 570.]

May 4.
James City.

1063. The Council of Virginia to Lords of Trade and Plantations. The Governor acquainted us in his speech with that which the King expected of us, and the best means of preserving his royal rights in the future. Lord Culpeper at his departure in August 1680 left Sir Henry Chicheley Lieutenant-Governor,

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and with instructions which were not known to most of the Council. All went on quietly until the usual time when the ships come to Virginia in 1681. Then the traders were obstructed in their traffic, under colour of an Act of Assembly made in June 1680, which enjoined them from 24th March onward to land their merchandize, and ship their tobacco at certain places. Several masters of ships not finding at the appointed places any reception or shelter for their goods and themselves, absolutely refused to obey the Act (which they naturally conceived to be null), and traded and shipped tobacco as they had been accustomed in former years. For this many of them suffered much trouble and inconvenience, the prosecutions being managed for the most part by men who, for their own ends, though to the great dissatisfaction of most of the Colony, threw all the stumbling blocks that they could in the way of public traffic. The issue not answering the projectors' expectation, they fell to insinuating among the easiest sort of the people how advantageous it would be if an Act could be passed to cease from planting in Virginia for one whole year, and they made use of such specious though fallacious arguments, that they persuaded several inconsiderate people in three or four counties to sign a petition, praying that an Assembly might be summoned to pass such an Act. The Deputy Governor, who had already been over persuaded by the contrivers thereof, answered favourably, and without consulting the Council, or even such a number thereof as was prescribed by his instructions, issued writs for an Assembly to meet in April 1682. It met, but after some fruitless debates was prorogued pursuant to royal order. That design having failed, the contrivers could find no readier expedient to attain their ends than to destroy the tobacco plants in the three petitioning counties, Gloucester, New Kent, and Middlesex. This being after a time suppressed they continued the work in large parties at night. This went on till August. We knew of several men who were very active in the work, but as they were inconsiderable people we forbore to prosecute, in the hope of discovering in time not only the actors but the authors.

The inhabitants of the country are mostly extremely poor; their only commodity, tobacco, having of late years yielded them little, while their poverty inclines them to listen to all suggestions, however foolish, which are insinuated into them by subtle factious persons, who mask their private ends under a show of public utility. Still, under Lord Culpeper's wise and prudent rule, we may promise ourselves calm and serene times. We are at present at peace with the Indians, but we judge it prudent to keep some forces in constant pay to prevent sudden mischiefs, of which an open trade keeps us in constant apprehension. When all persons are admitted to traffic with the Indians, men will be found not only to countenance but to abet their attacks on us. It is therefore proposed that, with the King's consent, the Indian trade should be confined to the hands of one or two trustworthy men appointed by the Governor, such persons to pay a sum agreed on

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to the Government, and to continue in that state for five years. It is also proposed that no Indian shall be taken as a slave, either by gift or purchase, by any inhabitant of the Colony. We have little commerce with the neighbouring English Governments, but we are on friendly terms with them as becomes subjects of the same monarch. Nevertheless, we have too much reason to apprehend encroachments on our territory by Carolina, which has already extended its bounds beyond the limits of its first grant, by claiming plantations for which patents were issued from this Government long before the issue of the southern patent. Lord Baltimore also encroaches by drawing a line from the pretended point called Watkins' Point, whereby at least fifteen miles (as it is reckoned) is lost to Virginia. To check this we propose to beg the King that the boundaries may be ascertained once for all.

To advance the present low state of the inhabitants of Virginia, which has been caused by excessive production of tobacco, is hopeless unless the production be reduced. It is therefore proposed to limit the time for planting and replanting to the 24th of June, after which time no tobacco shall be planted or replanted in any year, under penalties. And that this may produce its effect, we propose to petition the King to direct the like rule to be observed in Maryland and Carolina. It would certainly conduce much to our security and the King's honour if he would expend some part of his revenue derived from Virginia on a garrison of sixty soldiers. They must be duly paid, or they will be mutinous, and set a bad example where none is needed, and their officers should be gentlemen of approved loyalty, and of good family and estate in the country, who will be bound by their own interest to the preservation of the peace. We could raise the men here, and save the cost of transportation, for we have plenty of well-principled men, who for regular pay would cheerfully serve the King. This would be a safeguard against all disorders ashore; but as it is not less necessary to keep the peace at sea against pirates, we beg that the King will allow us a man-of-war ketch of forty men and twelve guns. It would not only put down piracy, but suppress the frauds of dishonest traders, which in this well watered country cannot by other means be prevented. And as the King has granted the quit-rents of this country for a certain term of years to Lords Arlington and Culpeper, we beg him to give those noblemen just compensation, and apply the quit-rents with the forfeitures, &c., to the use of the Government, which will be a great relief and a help towards a fund for meeting emergencies. We also beg the King's consideration of our Act for towns, that we may, on the signification of his pleasure, know the better how to proceed. Also, as there is no way of meeting contingent charges, but by the costly expedient of calling an Assembly, we propose to beg the King to recommend to the Assembly to provide that the Governor and Council may raise a levy on the people not exceeding twenty pounds of tobacco per poll, as provided by a former Act of Assembly. It would give the Governor and Council no greater power than is enjoyed by the Justices of the Peace in every country for the discharge of county

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dues; and should be enacted for five years only. *Signed*, Nicho. Spencer, Robt. Smith, Jos. Bridger, Nathaniel Bacon, William Cole, Phill. Ludwell, John Page, Rich. Lee, William Byrd. *Five closely written pages. Endorsed.* [Col. Papers, Vol. L., No 105, and Col. Entry Bk., Vol. LXXXII., pp. 175-186.]

May 4.

1064. Minutes of Council of St. Christophers. The Assembly men, coming to be sworn, objected to part of the oath, which was accordingly amended. The members were then sworn. [Col. Papers, Vol. L., No. 98.]

May 6.
Jamaica.

1065. Sir Thomas Lynch to the Lord President of the Council. I have given you and the Lords of the Council frequent reports of my proceedings, but have received no reply. I have heard from Sir Charles Littleton of your Lordship's infinite kindness in favouring our petition to the King and passing our laws. The people are eternally grateful to you. They are also very sensible of the King's grace in sending the Ruby to protect them. She is an excellent frigate and has a very good commander. The Guernsey has been out of port near three months. The pirate was gone before she reached the coast of St. Domingo, so the Captain plied eastward, got flesh, as I conclude, at Porto Rico, and thence made for the Virgins or the coast of the Main in search of La Trompeuse. At present we know of no pirate from the east of Porto Rico to the Gulf. The vessels we have sent out, the galley we have built and the reputation of the King's frigates has so frightened them that one of our canoes can pass anywhere, and the French privateers treat our vessels with more respect than ever. I was informed yesterday that Mons. Ponçay, the French Governor of Hispaniola, is dead. I formerly sent to Mr. Blathwayt the infamous story of Vanhorn. He and the great privateer Laurens are now together, and Vanhorn is careening. He has tried to draw the privateers together, but it is said that Laurens, having two good ships and four hundred men, will not join him, and that his own people and the other French abhor his drunken insolent humour. However, the Spaniards are so alarmed that they are sending two men-of-war from Carthagena to Honduras, so that it is probable that these rogues will not unite nor do the mischief feared. At Carthagena there is great disorder through a difference between the Governor and the Church, which has caused the city to be interdicted. For many months no mass has been said. Our neighbour the Governor of St. Jago is flying from his Government, and has hired one of our vessels to carry him to the Main. The Bishop of Panama is gone thence to the mountains of Darien to countenance the building of a fort and settle a colony to hinder the passage over the Isthmus. Others say he is to superintend the mines lately discovered there. The rumour of Sharpe's return to the South Seas has made the Viceroy of Peru arm divers considerable ships, so that, if he come, he will not escape without more miracles. I have told Mr. Blathwayt how well our man-of-war was treated at Porto Bello and how punctually the negroes were

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paid for. I have now written to Sir B. Bathurst and answered his petition to you. I have also told him that in the last six months we could have sold two or three thousand negroes to the Spaniards, and that, as the Company sent none, I was forced to allow interlopers to supply one hundred and thirty to dismiss the Don, who had waited for them six months. Nor do I hear that the African Company intends to send a ship, though negroes are much needed and our planters are rich enough to pay for them. Our sloops sell very many, for they are now generally very safe, being well armed and provided with my commission, as in the King's service. The men are obliged to assent to it before they embark, and are therefore resolute against the pirates. We were surprised to hear that our friends contended so violently for keeping up the Negro Act. I gave no such directions, and the people will be quite content with the King's order. It is the failure to provide negroes that is the ruin of all. We have lost our chance, for the Dutch have pieced their contract, so now the Governors cannot send, and will not receive, our vessels. The Company's objection about light money would have been answered by saying that the law intended weighty. I wish you had inserted the word. I have no muster-rolls except one, which I shall send by next ship, with, if the negligence and sickness of the Receiver permits, the accounts of the revenue. The Assembly was to have met yesterday, but this being the season for making sugar and there being nothing from your Lordships, I have prorogued them to the 5th September.

I learn from the Windward Islands that the French pirate with two or three more had been at St. Thomas and haunted the Virgin Islands, and designed to come eastward to the latitude of Barbados and take the negro ships. I heard also that there were over forty piraguas of Indians, which largely distressed the Leeward Islands. This was understood at Barbados, and the Ruby would have done something against them but that the Captain's orders directed him to come down, and the Governor would furnish neither pilot nor sloop. As Captain May says, the Governor was more anxious to obtain an engagement from him to be paid for his sloop, than to write a word himself to excuse the Captain's deviation from his orders. So the occasion was lost, and the enemy was left two hundred leagues to windward. However, I have resolved to send the frigate up again, though she is not likely to do so much in four months as she might have done in three days, and the rather because I conclude that they have no frigate there, the Mermaid having gone home with Sir R. Dutton. I have tried to get the frigate cleaned and fitted, and hope to send her to sea next week if I can get a good sloop to wait on her. I doubt not but the Lords of the Treasury will pay, for here the King has no money. I am not likely to get any salary, but am indebted for hire of war vessels, building of ships, and repairing of King's houses. But from this, I say with confidence, have resulted the peace, the safety, and the trade that we now enjoy. Captain May tells me he

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thought he had brought your orders about Captain Heywood, but he did not, so I expect them by another hand. I saw the copies a month or two ago and wrote thereon to Mr. Brisbane and Mr. Blathwayt. I think it of such importance to the King's service and the safety of the Island that I must beg for your consideration. These orders seem to be grounded on some crime, neglect, or collusion, of which I have been guilty. This I think a great mistake, for I have not erred in the least circumstance, but have managed the maritime power entrusted to me by the King much more to the honour of the King's service than any other ever did. I might more reasonably have expected my real services to be noticed, than imaginary crimes urged against me to the dishonour of all the Governors in America, and the particular prejudice of this island. My Lords, I have never had any goods aboard any of the King's ships; I never gave leave to any to carry any; I prohibited Heywood and charged him, as I have always charged the King's captains, to obey his orders. Mr. Brisbane has Heywood's oaths, affidavits, and instructions in proof of this. I consider myself Vice-Admiral to the Duke of York by a clause in the King's charter for the Governor. I have also the Duke's grand commission, and a special commission to command the King's men-of-war, so I judged myself bound to enquire into the loss of the Norwich and to punish those responsible for it. I followed the practice observed by Governors here for twenty-seven years, a practice which must be observed still or this Government will be reduced to confusion. The only thing is, as Captain May tells me, that holders of my commissions are not admitted to be the King's captains. This, of course, is as the King pleases. But I hope you will consider, if an Admiral at sea hire a ship, make a prize and turn the prize into a man of-war, the commanders are reckoned captains in the King's service. If Governors may fit out men-of-war to destroy the King's enemies, pirates, &c., I cannot comprehend why their commanders should not sit on a court-martial. I give no Commission that is not accepted by the Captain as the King's, and he and his men submit to the articles of war. By this means I have secured our trade and suppressed pirates. But if you take away the power to call courts-martial, and command all criminals to be sent to you with scrolls and affidavits, I suppose you intend to extinguish the Duke's maritime power, for I shall not hereafter dare to give any commissions, nor will any of the Jamaicans ever serve, for they think it as hard to be sent to England as Englishmen to be sent here. It will prove as inconvenient in the King's men-of-war, and, when known, will have its consequences here. I would therefore beg your orders herein. And if the orders are not come, if you appoint the Council here to re-examine Heywood's trial, it will then bear a different complexion from that put on it by traitors and people at a distance. *Holograph. 8 pp. Endorsed with a long précis.* Recd. 7 June 1683. Read at Committee 17 July 1683. [Col. Papers, Vol. L., No. 106, and Col. Entry Bk., Vol. XXX, pp. 154-162.]

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May 7.

1066. Instructions to Sir William Stapleton. These embody the latest regulations as to the style of enacting laws and the method of voting presents to Governors. A special clause prescribes rules for transported malefactors; and the last clauses directs Stapleton to assert the right of England to the Virgin Islands. *Countersigned, L. Jenkins. [Col. Entry Bks., Vol. XLVII., pp. 86-92, and Vol. XCIX., pp. 207-212.]*

May 8.

1067. Journal of Lords of Trade and Plantations. Draft of a memorial to the Spanish Ambassador read, as to the injuries done by the Spaniards to the English in the West Indies. The Lords ordered the Treaty of 1670 to be examined and the Articles infringed to be pointed out, as also the breach of the Capitulation to be adverted to; and that Sir Henry Goodricke, the Ambassador at Madrid, be ordered to report what he knows about the complaints of the English. Sir H. Goodricke attended and said that he could not speak from memory, and did not expect the papers at once, but took a copy of the memorial to make his observations thereon.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVII., pp. 145-146.]

May 14.

1068. Sir H. Goodricke to Lords of Trade and Plantations. I have read Jonas Clough's narrative of the sufferings of the English prisoners (*ante*, No. 303). Most of the occurrences recur to my memory from accounts heard at different times, and Clough's account is confirmed by the galleons last come in. I have also heard (1) of Sir Thomas Lynch's ship captured off Cartagena. I have delivered many memorials respecting this but can get no answer from the King of Spain or the President of the Indies. (2) I have also delivered several memorials upon Mr. Bayly's representations sent me through a Spaniard in 1680. The answer which I at length received was that Bayly was detained as a spy, though it is certain that he was sent from Carolina to negotiate for redemption of English captives. (3) The enclosed account by Captain Zoby I recommend to the King's consideration. Zoby can attend you if necessary. Signed, H. Goodricke. *Holograph.* 1½ pp. Enclosed,

1068. I. Narrative of Joseph Zoby. Was on a voyage to the West Indies in 1678 but was forced into Rio de la Plata to victual. While at anchor she was seized, in spite of her passport from the English Admiralty, and sold. Remonstrance was made by Sir H. Coventry and Sir H. Goodricke, but without effect. Then the seized ship came into St. Sebastian, and Sir H. Goodricke presented a fresh memorial, and an order was granted for her detention, but the men in charge of her had already trafficked with the Council for the Indies to keep her. Subsequent remonstrances have proved equally ineffective, and no justice is to be looked for from Spain. French. Two closely written pages. On the opposite page are written

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in Sir H. Goodricke's hand the substance of the Articles violated by the Spaniards. [Col. Papers, Vol. L., Nos. 107, 107 1.]

May 15. **1069.** Proclamation of Lord Baltimore. Altering the conditions to taking up land in Maryland to one hundred pounds of tobacco per fifty acres, and two shillings annual rent, except on the whore kills where the payment is to be one-half. *Signed, Nicholas Sewall, John Darnell, Secretaries. 2½ pp. Copy. Endorsed. [Col. Papers, Vol. L., No. 108.]*

May ? **1070.** Certificate by Lord Baltimore of his reasons for altering the rules as to imported servants. My father used to allow fifty acres of land for every servant imported, as to which the transporter had to take oath that he never had the benefits of the conditions of plantation, termed rights to land, in Maryland. These rights have of late years been mostly bought up from merchants and commanders by the Collectors and Deputy Surveyors of the province, who often disposed of the same to the poorer inhabitants at excessive rates. I therefore thought good to alter these conditions of plantation, and instead of a right due upon the transportation of a servant, for which the Collectors often charged four hundredweight of tobacco, I declared that I would accept one hundredweight of tobacco for every fifty acres, with which all classes of the inhabitants are much better satisfied. On the sea-board side of Somerset and Dorchester counties there was many years ago but half rent set upon such lands as should be taken up there; now but fifty pound weight of tobacco is charged for every fifty acres taken up in these parts. It seems that this is ill-taken by Mr. Penn, and, he therefore accuses me of breach of faith, a violation of the amicable treaty, and so forth, when the foregoing proclamation was only intended to publish the alteration I had made in the conditions of plantation. There is a precedent for this in similar proclamations in my father's time. Now why this should be such a crime as that my neighbour Penn should immediately accuse me of a breach of faith and of the peace, neither I nor my council can understand. The like was done by Governor Richard Nicolls, Colonel Francis Lovelace, and Sir Edmund Andros, when those same lands in Delaware were the Duke of York's. Besides, the whore kills (*sic*) was taken by me from the Dutch many years ago, so that I am ill-used by my neighbour in being termed a faithless person. *Signed, C. Baltemore. 2½ pp. Endorsed. [Col. Papers, Vol. L., No. 109.]*

May 15. **1071.** Minutes of Council of Barbados. John Witham, Deputy Governor, took the oaths of office. Order for the Committee of Accounts, and the Commissioners of Fortifications to hasten their accounts. Edwyn Stede took the oaths as sole Judge of the Court of Admiralty and as Receiver-General.

May 16. Sir Timothy Thornhill took the oaths on appointment to the Council. The oath appearing defective was amended and taken

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by the members present excepting Henry Walrond. [Col. Entry Bk., Vol. XI., pp. 570-573.]

May 16.
Windsor.

1072. Minutes of Council and Assembly of St. Christophers. Proposed by the Council to the Assembly : (1.) That the fort at Cleverley's Point be supplied with certain necessaries. (2.) That one of the Assembly attend weekly at that fort to give an account of the work done there. (3.) That timber be procured for finishing the sessions house. (4.) To send two of the Assembly to Nevis to congratulate His Excellency on his return. To which the Assembly replied : (1.) We will do so when we have a stock in the Treasury. (2.) We will do so if one of the Council will assist. (3.) We have agreed for the supply of the timber. (4.) We will appoint Ralph Willet and Charles Mathew. The Assembly on learning that the Treasurer had obtained an execution for levying of the country's dues without its consent, desired that the public accounts may be put for a time in the Speaker's hands, to prevent repetition of such infringement of its privileges. The Council concurred, provided the Treasurer's obligations for the country be discharged. [Col. Papers, Vol. L., No. 98.]

May 16.
Jamaica.

1073. Sir Thomas Lynch to Sir William Stapleton. I have been exceedingly troubled to hear of the damage you have suffered from Indians and pirates. As Sir Richard Dutton is gone home with the Mermaid and would not enable Captain May of the Ruby to do something against them on his way down, I have sent him up to give you all the assistance that he can. I have thought this my duty, not only from my respect for you, but from a sense that the King's frigates should serve his colonies and protect his subjects everywhere. I marvel that there should have been a scruple about fitting out a sloop, when it was known that pirates were to cruise in the latitude of Barbados, and that the Mermaid should have returned. Three days might have done then what three months cannot now. I hear from Barbados that your islands were infested with forty periagoes of Indians and five pirates, the latter intending to cruise for the gold in the Guinea ships. God be thanked, we have prosecuted them so vigorously and hanged so many, that we hear not of one from the east of Porto Rico to the Gulf of Florida. I wish to God we were not so far to Leeward, or I could send you brave men enough, and such as would be fitter than the planters to hunt the Indians, but I doubt not that your presence and conduct will ensure success. Could I contribute more to it I would with all my heart, for I think it the duty of every christian and Englishman to help in such cases. I am therefore amazed that at Barbados they should tell the captain that they would not spend 20*l.* to save the Leeward Islands and Jamaica. God be thanked, our people here are not of that humour. No subjects ever did so much as the Jamaicans for the King's honour. Copy. 1½ pp. Endorsed. Reed. 7 Sept. 1683. [Col. Papers, Vol. L., No. 110.]

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May 18.

1074. Journal of Council and Assembly of Antigua. Proposal for the making of a highway. His Excellency informed the Speaker that he had not yet sent home the Acts lately passed as the style of enactment required alteration. The Assembly concurred as to the highway. [Col. Papers, Vol. XLIX., No. 81.]

May 19.
Bermuda.

1075. William Righton to Francis Broghill. I have little to write but to complain of the evil temper of most of the inhabitants, and especially of the Company's officers. They are not to be borne with by a man of loyalty. The Governor and some of his Council have spoken with great contempt and reproach of the King as if their power over the people was as great as his. Few dare assert the King's honour and dignity against the Company, in spite of all that was proved against the latter at Whitehall. I was forced, for my own safety, to prefer articles against the Governor to stem the current of disloyalty, and have laid them on the Council table. I enclose a copy of them, but I can get no records, though I have repeatedly asked for them in the King's name, insomuch that the Governor has now bound me over to good behaviour, which I never was before in my life of fifty years. I enclose you a further taste of the Government's kindness to the King. *Holograph.* 1 p. Addressed, For Francis Broghill, esquire, at his lodgings at the Countess of Portland's house in Pall Mall, near St. James' Court. Annexed,

1075. i. Articles exhibited to the Council by William Righton against Henry Durham, Governor of Bermuda. 1. He refused to grant copies of the records required by the King's order. 2. He said that if the Company's government was broken there would be nothing to expect but popery and robbery. 3. He hinted further that the King would hear no complaints against his officers. 4. He said that the King's Government was always accompanied by blaspheming and profanities. 5. Also, that if it came, the people would be forced to go to church by drum and fiddle, and 6, would be bought and sold under the guns of thirty or forty frigates. Six queries as to the tendency of such language and behaviour. *Large sheet.* Endorsed. [Col. Papers, Vol. L., Nos. 111, 111 I.]

May 22.

1076. Minutes of Council of Virginia. His Excellency announced his intention of leaving for England. Resolved that he issue a short declaration as to the settlement of the Government till his return, and order payment of the new raised soldiers and of the moving troops of horse. Resolved that, after payment of standing expenses, no sum exceeding five pounds be paid except on the Governor's warrant. Colonel John Lear was called to the Council and took the oaths. Order for payment of 15*l.* to the clerk. [Col. Entry Bk., Vol. LXXXIV., pp. 165-167.]

May 25.

1077. Journal of Lords of Trade and Plantations. Petition of Captain John Poynz respecting Tobago read (see No. 971).

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Ordered that the grant of the island by the King to the Duke of Courland be examined, and that the petitioners bring a copy of the Duke's commission to them for settling Tobago.

Accounts of plantation business from Michaelmas to Christmas 1682 signed.

Sir William Stapleton's letter of 20th March read (*see No. 1006*). Address of the Assembly of the Leeward Islands of 15th November 1682 read, setting forth that, owing to loss by hurricanes they cannot proceed with the fortifications, and praying the King to grant the four and a half per cent. duty for two or three years, or grant them the next farm thereof. The Lords will advise that it be answered, that this revenue is already anticipated till Christmas 1683, and that the King will, as heretofore, apply it to the support of the Government; also that, if Mr. Jeaffreson find out from Lord Dartmouth what guns can be spared, the same be given to the Leeward Islands.

Sir H. Goodricke presented a paper concerning Spanish outrages on the English (*see No. 1068*), and a draft memorial to the Spanish ambassador was also read. [*Col. Entry Bk., Vol. CVII., pp. 147-152.*]

May 25.
Council
Chamber.

1078. Lords of Trade and Plantations to Sir William Stapleton. The thirty recruits for your foot companies were embarked on a frigate, and we hope are with you by this time. We cannot but think it very strange that the several Assemblies of the Leeward Islands should so mistrust the Government, as if the taxes and impositions established for its support could be diverted, in spite of the strict clauses which appropriate them to certain objects. But it is to be expected that the General Assembly of all the islands will be better advised, and thereby commend itself to the King's favour. We can make no further representation to the King respecting your difference with Captain Billop till we have received an answer on a legal point from the Attorney-General and the King's Advocate. *Signed*, Halifax, Radnor, Dartmouth, F. North, L. Jenkins, Tho. Chicheley, J. Ernle. [*Col. Entry Bk., Vol. XLVII., pp. 92-93.*]

May 25.

1079. Journal of Council and Assembly of Antigua. Proposed by his Excellency and Council that the Assembly appoint three members to join with William Barnes, John Parry, and John Vernon to review and correct the Acts that are to be sent home. The Assembly appointed Samuel Martin and John Lucas. Ordered by the Governor and Council that no execution issue against persons employed in the Indian expedition till March next, those persons who are indebted to Tristram Steevens excepted. [*Col. Papers, Vol. XLIX., No. 81.*]

May 28.
Virginia.

1080. Proclamation of Lord Culpeper for the settlement of the Government during his absence. Vesting the Government in the President and Council of Virginia; Nicholas Spencer, as senior member, being President. *Signed*, Tho. Culpeper. 1 p. *Endorsed*. [*Col. Papers, Vol. L., No. 112.*]

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- May 29. **1081.** Nicholas Spencer to Lords of Trade and Plantations. I send the Orders of Council passed since 9th May 1683. The country is quiet. An example has been made of two of the most notoriously active among the plant-cutters, who have been deservedly executed. One more who was condemned for the same has been respited pending the signification of the King's pleasure, being young and ill-seduced, and having since given all outward appearance of repentance. The quickening of the tobacco market has encouraged the planters to work vigorously, and I never saw a more promising crop. Everything being settled, Lord Culpeper takes this opportunity to make a voyage to England and report to the King the state of the country. You need not doubt of the zeal of the President and Council, to whom the Government is committed. *Signed*, Nicho. Spencer. Recd. 19 June. 1 p. *Endorsed*. [Col. Papers, Vol. L., No. 113, and Col. Entry Bk., Vol. LXXXII., pp. 103-105.]

- May 29. **1082.** The same to Sir Leoline Jenkins. A recapitulation of James City. the foregoing, with the additional news that the Governor has equipped a ship against pirates. 1 p. *Signed*. [Col. Papers, Vol. L., No. 114.]

- May 29. **1083.** Edward Randolph to Sir Leoline Jenkins. I am arrived Exeter. from New England, and having been driven by foul winds into Falmouth am hastening to Whitehall. I have brought Edward Gove with me, a prisoner under sentence of death for rebellion. *Holograph*. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. L., No. 115.]

- May 30. **1084.** Journal of Lords of Trade and Plantations. The Agents of New England attend. The ninth article of their instructions read, and the order of 20th September last, directing Massachusetts to send full powers to the Agents. The Agents called in, who assure the Lords that they have received no public letters of later date than 10th December from Boston. The Lords found fault with several abuses in the Government, and told the Agents that the King had shown great patience in bearing with it so long. The Agents said that they expected their further orders from Boston at the latter end of June. The Lords ordered a copy of the charter to be sent to the Attorney-General, to consider as to bringing a *quo warranto*, and adjourned the business till the end of June.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVII., pp. 152-154.]

- May 30. **1085.** Draft of a Minute of the Lords of Trade and Plantations, that a petition was presented by the inhabitants of Bermuda. $\frac{1}{2}$ p. [Col. Papers, Vol. L., No. 116.]

- May 30. **1086.** Petition of the inhabitants of Bermuda recapitulating the false title of the present Bermuda Company, and its misdeeds, and praying the King to send out a Governor. *Copy. Unsigned.* $\frac{1}{2}$ p. *Inscribed below*,

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Order of the King in Council referring the above to the Attorney-General to report on the state of the case and on the action best fitted for His Majesty. Windsor, May 30, 1683. *Signed, Sunderland.* $\frac{1}{2}$ p. *Over page:* A précis of precedents for the infringement of rights of Chartered Companies. *See next Abstract.* [Col. Papers, Vol. L., No. 117.]

[May 30?] **1087.** Memorandum concerning the Bermuda Company. When a grant was passed to Sir Ferdinando Gorges for New England, it was opposed by the Virginia Company, and long debated before the King and Council, but carried for Sir Ferdinando, though it had been already granted to Virginia by its charter. The King, after long debate in Council, took Barbados and all the West Indies into his own hands, notwithstanding the Charter granting them to the Earl of Carlisle and his heirs for ever. The King granted Carolina by charter to the Duke of Albemarle and others, though it had already been granted by the late King to Chief Justice Heath, and by him assigned to another. The King granted New Jersey to Sir George Cartwright and others, though already within the charters of Virginia and New England. The Earl of Shaftesbury, who was no great promoter of the Royal prerogative, declared in Council that all plantations were of the King's making, and that he might at any time alter or dispose of them at his pleasure. The Bermuda Company when first incorporated numbered 156, all residents in and about London. They were then proprietors of all the land in Bermuda, and the planters either their servants or tenants at half profit. The planters have now purchased so much of the land that the Company owns not a twentieth part of it; nor are the numbers of the Company sufficient, as directed by the Charter. This ordains that there shall be a Governor, Deputy Governor, husband to the Company, and twenty-four assistants, of which latter six new assistants were to be taken every year, so that the whole number changed every four years. This cannot be done, as the Company hardly numbers twenty. The present Company are but purchasers of their land and interest in the Islands; few have above one share, and many are but sham purchasers to make voters to keep up a Rump of the Company for the oppression of the Islands. All the forts and guns are in a state of ruin. *Unsigned and undated.* [Col. Papers, Vol. L., No. 118.]

May 31.

1088. Journal of Lords of Trade and Plantations. A petition from Richard Burke, Agent to Lord Baltimore, praying that a grant which is passing to the Duke of York of the parts adjacent to Delaware Bay be delayed, till the King is satisfied as to the territory granted to Lord Baltimore. Counsel for the Duke and an agent for Mr. Penn, who solicits the passing of this grant, were heard, also Mr. Burke and his counsel. Mr. Burke's counsel maintained that the land in question was included in Lord Baltimore's patent; the counsel for the other side tried to make out that it was not granted to Lord Baltimore, but originally inhabited by Dutch and Swedes, and so could not have been

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granted to him; also, that since it has always been in the Duke's possession, it is no hardship to Lord Baltimore to part with it now. Mr. Penn's agent undertaking to prove Dutch possession in 1609, the Lords adjourned the question for future consideration.

Memorandum of letters sent and received. [Col. Entry Bk., Vol. CVII., pp. 155, 156.]

May 31. **1089.** Substance of the conference held between Lord Baltimore and William Penn, 29th May 1683 (*see post*, No. 1117). *Signed*, C. Baltemore. $1\frac{1}{2}$ pp. *Endorsed*. Rec. 23 Aug. 1682. [Col. Papers, Vol. L., No. 119.]

May 31. **1090.** Duplicate of foregoing. $2\frac{1}{2}$ pp. [Col. Papers, Vol. L., No. 120.]

May 31. **1091.** Order of the King in Council. Referring petition of Hampton Court. Richard Burke on behalf of Lord Baltimore, praying that a grant of Newcastle to the Duke of York may not be passed until the patents of Cecil Lord Baltimore be considered, to Lords of Trade and Plantations for report. *Signed*, Phi. Lloyd. $\frac{1}{2}$ p. *Endorsed*. Read, 30 May, 23 June/83, 23 July/84, 12 August, 2 September, 8, 17, 31 October/85. [Col. Papers, Vol. L., No. 121, and Col. Entry Bk., Vol. LII., p. 105.]

[May ?] **1092.** "State of the business of the Massachusetts Company." The continued misbehaviour of the Massachusetts caused the King to order agents to be sent over from thence, who came in 1676, and after two years were discharged on condition that others should be sent over in their stead. After much delay the new agents attended in September last, when it appeared that their powers were insufficient, and they were accordingly instructed to procure sufficient power, in default of which a *quo warranto* would be issued on the first day of next Hilary term. Though they have written to their principals they have received no reply, and though they prayed for further time no order was issued thereupon. Still the Attorney-General has received no instructions yet as to the *quo warranto*. 2 pp. *Endorsed*. [Col. Papers, Vol. L., No. 122.]

May. **1093.** "The temper of several of the Council in Barbados." "Some matters the Lieutenant-General [Henry Walrond] would have opposed, and gave interruption in." (1.) The taking of the oaths and subscribing of the test. He alleged that the Council were not to receive it from me. I told him that this should not prevent my taking it. After answering his further discourse, I ordered Colonel Stede to proceed, which he did, and I fulfilled my duty in it. By His Excellency's patent the Council are empowered to administer these oaths to the Governor. (2.) When Sir Timothy Thornhill was to be sworn, Colonel Stede told me there were some defects in the former oath taken at His Excellency's arrival. They were read and I perceived material defects, which I informed the

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Council I thought necessary to be amended. The Lieutenant-General opposed it with much eagerness and long speeches. One of his arguments was for separating the person from the authority, saying that, for instance, he would give faithful advice to Sir Richard Dutton as Governor, but not perhaps to Sir Richard Dutton as Sir Richard Dutton. I told him that I did not expect to hear such old and exploded arguments from him, and on his persisting was constrained to tell him that he was debating matters which were no business of his, since the swearing of the Council was the function of the Governor only, as also the forming of the oath, wherein if there were any defects I should consider their amendment. On this I took the oath and amended the defects. The most material of these are, in adding the word "Deputy" in several places; also in providing that no Councillor shall be of any faction against the Government without giving notice to the Governor or his deputy (it used to be to the Council only). I also added a clause "not to reveal the secrets of the Council." You may easily see the difference by comparing the two oaths, which were taken respectively at Sir Richard Dutton's arrival, and later by Colonel Stede, Mr. Peers, Mr. Bond, Mr. Davers, and Sir Timothy Thornhill. This latter oath the Lieutenant-General refused, saying he would consider it. See for these transactions the Minutes of Council for 15th and 16th May. I know no reason for the Lieutenant-General's scruples, unless it be the clause that I added about joining factions. (3.) When the Court of Chancery began, the Lieutenant-General said that an ill method had been used, for all the bills and answers were addressed to the Governor alone, as also all the decrees and orders, whereas he alleged that every Councillor was as much the Chancellor as the Governor, and that the decrees ought to express this. I told him he had not thought about what he was saying. He replied that he had, and that an Act directed the Chancery to be in the Governor and Council. I replied that this was a mistake, that it applied only to equitable matters, or petitions about administrations, and such like, that the Court of Chancery was by inherent right in the Crown, and was devolved on the King's Governor or Lieutenant-Governor, and that this rule had been followed by all Governors, and should not be altered by me, nor further debated by him, for that I would not permit this flower of the prerogative to be lightly snatched away. I then ordered the Clerk to proceed, and the Lieutenant-General said he would withdraw. I told him that he might do as he pleased, but he had discretion enough after all to stay. About 1653-54 the Governor, Daniel Searle, began to hold a Court of Chancery, being the first that did so, for previously the Governor had ordered all such matters as petitions as he thought fit, without any oath or other formalities of a Court of Equity. Francis Lord Willoughby made Sir Robert Harloe Chancellor, and on his going off constituted three Commissioners as a Court of Chancery. William Lord Willoughby, on assuming the Government, held the Court of Chancery in person, assisted by such Councillors as attended or were summoned by him. Later he put

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it into commission. Both Sir Jonathan Atkins and Sir Richard Dutton have held it in person, assisted by such of the Council as attended ; but all bills, orders, and decrees bear the name of the Governor only. I cannot, therefore, but take ill the Lieutenant-General's efforts to promote dissension in the Council, though for that matter he has always behaved unhandsomely to every Governor since he was made of the Council. Sir Richard Dutton is well aware that Lieutenant-General Henry Walrond is much encumbered with debts and law-suits even to half the value of his estate, while Thomas Walrond is so overwhelmed with debt that he owes more than he is worth. Tom Walrond is also of such a superb humour that he is governed more by his pride than any other consideration. Both of them have unreasonable hopes that being Councillors the Governor will protect them from their creditors, either by disowning suits brought against them or granting injunctions out of Chancery to stop all proceedings. Not being thus humoured by the Governor they think themselves disengaged, become factious and disaffected, and try all means to obstruct all business that is to the King's service or to the honour of the Government. So when the Governor desires the concurrence of the Council for any good motion, these two stand out, in order to do all the mischief they can, simply because they are not helped to defraud their creditors. One, Major Richard Williams, who, it was rumoured, had endeavoured to become Councillor, came and told me that he was much troubled that such a report should have got abroad. "For," said he, "I am in debt, and every one will believe that I seek it to defraud my creditors." There is another sort of ill men in this Government without principles of religion, morality, or virtue. Such an one was lately appointed to the Council, a man wholly given up to his own ambition and extravagance, and overburdened with debt. He is true to the temper of most men born in the Island, full of pride, conceit, infidelity, and ingratitude. He now seeks to head the faction of the "Cœarians" (such is the nickname of those born in the country), who will soon be the majority in the Island. It is much to the King's disservice that such men should be of the Council ; it obstructs his interests and makes all affairs uneasy and troublesome to the Governor, and I think it therefore worth while to write. Communicate it as you will to the King and the Lords of Trade, but otherwise I beseech you to keep it secret. Ask Sir Richard's opinion to see if it agrees with mine, but do not mention my name. I have informed him about the two Walronds, and have, of course, left it to him to suggest new members of Council. $5\frac{1}{2}$ pp. Unsigned, but evidently the work of John Witham and written to William Blathwayt. Inscribed and endorsed as headed, with the date May 1683. [Col. Papers, Vol. L., No. 123.]

May.
Barbados.

1094. Warrant of the Deputy Governor for closing the Quaker's meeting-house, addressed to Archibald Carmichael, Provost Marshal. 1 p. Endorsed and inscribed, May 1683. [Col. Papers, Vol. L., No. 124.]

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[May ?]

1095. Sir George Jeffreys' opinion on the clause of the Bermuda Charter for choosing the Governor. The power was given in the infancy of plantations, when they were yet desolate and not inhabited, but they are now become so considerable that customs of the commodities form a considerable part of the King's revenue. Bermuda lies in the eye of all trade to the West Indies, so that it might destroy it, if in an enemy's hands. And if the King think the place not well fortified, or unable to defend itself, or if he dislike the management of the military power or the hands it is now in, I conceive that notwithstanding any of the words of the clause he may send such a Governor as he thinks fit. *Signed,* G. Jeffreys. *Copy.* 1 p. *Endorsed, but undated.* [Col. Papers, Vol. L., No. 125.]

[May ?]

1096. A duplicate copy of the foregoing. Attached to it are the names of the Bermuda Company, and the shares of each. Nineteen names, and twenty-five shares. *Below, the following comment:* The Virginia Company when first incorporated numbered 891. When dissolved 156 of them were incorporated as the Somers Islands Company. Formerly they possessed all the land, now they have but 25 shares out of 533, and ten of these are Pym's, made over by collusion to make voters for a pretended Company. 2 pp. *Undated and unsigned.* [Col. Papers, Vol. L., No. 126.]

[May.]

1097. A paper of information concerning Bermuda. By several letters from Bermuda, it is advised that the Ministers there who are such violent Nonconformists that they will not pray for the King, have of late by the Company's order preached the King's Government down and the Company's up, and inspired many with the belief that they will be ruined if the King takes the Islands into his hands, for that the courtiers will buy their land and they will have a popish Governor. When it was asked why the Company might not send a popish Governor as well as the King, it was answered that none of them were popishly affected. At the reference before the Attorney-General the other day, the Company alleged that they might hold correspondence with the King's enemies and give them protection in the Islands if they would. Hutchings was above a year ago turned out of the Council in Bermuda for speaking in contempt of the King's authority, but was reinstated by order of the Company. 1 p. *Unsigned. Annexed,*

1097. i. The Company's order that, having heard the complaint of John Stowe against John Hutchings, they have and shall retain good thoughts of Hutchings and desire that he be no further troubled. *Dated, Sadlers Hall, 6 October 1682. Signed by thirteen of the Company.* 1 p. *Copy. Certified by John Tucker, Secretary.* [Col. Papers, Vol. L., Nos. 127, 127 i.]

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June 1.

1098. Draft of a certificate given to Francis Burgrell [Broghill] that a petition has been presented to the King by the inhabitants of Bermuda at his instance, which petition was signed by more than eighty hands. $\frac{1}{4}$ p. [Col. Papers, Vol. LI., No. 1.]

[June 4.]

1099. Copies of entries made by masters of Jersey ships at Piscataqua from 9 March to 9 September 1682. 3 pp. *Endorsed.* Recd. 4 June 1683 from Mr. Randolph. [Col. Papers, Vol. LI., No. 2.]

[June 4.]

1100. Address from the inhabitants of Massachusetts to the King. We hear that through the ill-will of some who, as we have cause to fear, are no friends to order, and use all endeavours to promote a change among us, that the government established by our charter has been misrepresented, and information given that we were uneasy under the same, YEA GROANING by reason of the burthens laid upon us, insomuch that we desire a dissolution of the same. Lest such reports should gain credit with you, we have thought it our bounden duty to God, your Majesty, and ourselves, to inform you that this Government deserves no such character, but has been abundantly satisfactory to us, and such as makes us render thanks to Almighty God and to your Majesty for the continuance thereof; and that it may be yet perpetuated we now implore your Majesty, assuring you that you can by nothing more knit our hearts to the loyalty and obedience which we shall ever manifest than by acceptance of this address, and grant of our earnest desires therein contained. This will fill our hearts with joy and thankfulness; this will dispel and scatter these clouds of fear which have risen in the minds of many of your good subjects that they may be deprived of their liberties and privileges which are so dear to them. This will oblige us ever to pray for your Majesty that your earthly crown may be changed for an eternal crown of glory. *Copy.* $1\frac{1}{4}$ pp. *Annexed,* "Directions for signing the Address to His Majesty." As some evil-disposed persons have been making accusations against the Government, and labouring to obtain subscription of malcontents thereunto, we judge it expedient that an address be presented to the King, and that every person of sixteen years and upward do fully understand the address, and be directed to sign the blank paper annexed, which will be affixed to the address. No copy is to be taken either of the address or directions. Return will be made to the Speaker of the House of Deputies. $\frac{1}{2}$ p. *Copy.* *The whole endorsed.* Recd. 4 June from Mr. Randolph. [Col. Papers, Vol. LI., No. 3.]

[June 4.]

1101. Articles against the Governor and Company of Massachusetts. 1. They have coined money with their own impress, 2. They deny liberty of conscience. 3. They refuse appeals to the King in Council in matters relating to the Crown. 4. They impose duties on goods imported from England which have already paid the King's duty. 5. They levy what taxes they please on all the inhabitants, though not free of their company. 6. They have

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erected a naval office in opposition to the King's. 7. They assume a power of making freemen unwarranted by their charter. 8. They have erected Courts of Admiralty. 9. They have refused a trial in their courts in a matter relating to the King. 10. They have imprisoned the King's officers for doing their duty, and refused them the plea of the general issue. 11. They have forced the King's officers to pay security before admission to prosecute in the King's service. 12. They have put several persons to death for breach of their laws illegally. 13. They have imposed illegal oaths on the King's subjects. 14. They have forced some of the inhabitants to sign a mutinous address to the King. 15. They have raised great sums of money on non-freemen to buy the province of Maine. 16. They have refused to admit the King's letters patent to be read in Court. 17. They have refused to admit divers Acts of trade. *Rough draft in the handwriting of Edward Randolph.* $2\frac{1}{2}$ pp. *Endorsed.* Received from Mr. Randolph, 4 June 1683. [Col. Papers, Vol. LI., No. 4.]

June 4.

1102. Edward Randolph to [Sir Leoline Jenkins ?]. To remind him that Edward Gove cannot be taken from the custody of Thomas Joules with a Secretary of State's warrant. *Holograph.* $\frac{1}{2}$ p. [Col. Papers, Vol. LI., No. 5.]

June 5.

1103. Journal of Lords of Trade and Plantations. Draft of a memorial to the Spanish ambassador read. The Lords struck out the name of Sir Thomas Lynch as the source of information, and approved it.

Drafts of letters to Sir R. Dutton and Sir W. Stapleton referred to the Attorney-General for his report, if they contain anything contrary to law. [Col. Entry Bk., Vol. CVII., pp. 157, 158.]

June 5.
Council
Chamber.

1104. Lords of Trade and Plantations to the King. Secretary Jenkins has shown us the drafts of two letters to Barbados and the Leeward Islands in favour of the Royal African Company. The Attorney-General has examined and approves them. [Col. Entry Bk., Vol. I., p. 93.]

June 5.

1105. Opinion of the Crown Law Officers on the petition of Captain Christopher Billop (*see ante*, No. 854). We are of opinion that the ship Providence was lawful prize, but that the petitioner and his company are not entitled to any of the negroes as prize. *Signed,* R. Sawyer, Tho. Exton. [Col. Entry Bk., Vol. XLVII., p. 96.]

June 5.
New York.

1106. Declaration and judgment of the Court of Record of New York, in the cause of John Bawden and Thomas Temple of London, through John West, their attorney, against Captain Christopher Billop, for seizure of the ketch Providence, with her cargo of negroes, and sale of the cargo, without condemnation (*see ante*, No. 572). Verdict for the Plaintiff. *Signed,* John West,

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clerk. *Copy certified by Johannes van Brughen and John Lawrence.* 3 pp. *Endorsed.* [Col. Papers, Vol. LI., No. 6.]

June 7.
Tower.

1107. The Lieutenant of the Tower to [Sir Leoline Jenkins]. I received a prisoner last night by your warrant. I thought you had been at Hampton Court this day, or should have acknowledged it earlier. The fellow is poor and I wish to know if the King will allow him maintenance. I keep two warders with him, one to lie in his chamber and one never to be out of his sight (*sic*). Our warden-houses are so full of our officers that we have no place for prisoners. *Signed*, Tho. Cheek. *Holograph.* 1 p. *Endorsed.* Recd. 8 June 1683. [Col. Papers, Vol. LI., No. 7.]

June 7.

1108. Journal of Lords of Trade and Plantations. The consideration of the Duke of York's grant to Mr. Penn fixed for Thursday 14th. *Memorandum of letters and Acts received from Virginia.* [Col. Entry Bk., Vol. CVII., pp. 165-166.]

June 7.

1109. Opinion of the Attorney-General on the petition of the inhabitants of Bermuda (*see ante*, No. 1086). Having read the papers and heard counsel on both sides, I find that, by the Charter, the civil power within the Island is vested in the Company, who have also power to defend themselves by force against invasions and insurrections, and to use martial law; but I am of opinion that there is nothing in the Charter to exclude the King from ordering or disposing of the militia of the Island for the safety thereof, or from constituting a Governor or lieutenant in order thereto. *Holograph.* *Signed*, R. Sawyer. $\frac{1}{2}$ p. [Col. Papers, Vol. L., No. 117.]

[June 7.]

1110. The Clerk of Assembly of Virginia to Lords of Trade and Plantations. Forwarding Proceedings and Acts of the Assembly that began sitting on 10th November 1682. *Signed*, Tho. Milner. Recd. 7 June 1683. [Col. Entry Bk., Vol. LXXXII., p. 102.]

June 8.

1111. Minutes of the Council of St. Christophers. Order for inspection of the accounts of the country. Proposed by the Council that the recruits of the two foot companies be billeted for three or six months on the inhabitants. The Assembly counselled to billet them for six months on such aliens as had not provided themselves with servants. [Col. Papers, Vol. L., No. 98.]

June 9.

1112. The Attorney-General to William Blathwayt. I return the draft letters to Barbados and the Leeward Islands. They contain nothing against the law. *Signed*, R. Sawyer. [Col. Entry Bk., Vol. I., p. 94.]

[June 9.]

1113. Copy of the trial of Edward Gove (*see ante*, No. 952 I.). *Endorsed.* Recd. 9 June 1683. [Col. Papers, Vol. LI., No. 8.]

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[June 9.] **1114.** Names of the persons in nomination to be magistrates in the Massachusetts, 1683 :—

Bradstreet 1194.	Gedney 1091.
Danforth 1246.	Apleton 1113.
Gockin 1147.	Pike 1044.
Pyncheon 1212.	<i>The foregoing marked old ones.</i>
Stoughton 1172.	Fisher 583.
Dudley 1226.	Woodbridge 354.
Buckly 1206.	Waite 354.
Saltinston 1004.	Johnson 333.
Davie 1183.	Queensey 244.
Brown 804.	Cooke 230.
Richards 1219.	Hutchison 128.
Nowell 1176.	Tory 123.
Hull 910.	<i>The foregoing marked new ones nominated.</i>
Russell 1187.	
Tilton 1154.	

There is nothing to explain whether the numbers refer to votes or otherwise. 1 p. Endorsed. Recd. 9 June 1683 from Mr. Randolph. [Col. Papers, Vol. LI., No. 9.]

June 11.

1115. Minutes of Council of Virginia. Order for proclamations for the arrest of John Haley, who has escaped from gaol. Order for the pressing of men for the sloop Katharine, Captain Roger Jones, taken for a sloop of war. [Col. Entry Bk., Vol. LXXXIV., p. 197.]

June 11.
Tower.

1116. Edward Gove to Edward Randolph. I make bold to trouble you with my affairs, who are one that know my circumstances very well. I have little hope but from the King's mercy, and I ask you the favour to petition him for my pardon. You know how to put my case. I was ignorant that I transgressed the law, or should not have acted as I did. The same thing has been done every year for the last fourteen or fifteen years and no notice taken. I shall do my best, if the King shows me mercy, to prove myself deserving thereof. Could you also favour me with a little money? I promise, so far as such a promise is valid, to repay you from my New England estate. Signed, Edward Gove. Holograph. 1 p. Endorsed (not in Randolph's hand). Recd. 17 June 1683. [Col. Papers, Vol. LI., No. 10.]

June 11.
Patuxent.

1117. Lord Baltimore to William Blathwayt. Yours of 9th February received. I was glad to hear that the Lords are satisfied with my administration. Having lately had the long desired second conference with my neighbour William Penn, I send you a copy of what was debated between us on 29th May last. If Penn should move for further orders respecting the boundaries of the two provinces, pray request on my behalf that I may be heard in person. I will embark from England next April to defend my rights to the land in Delaware Bay which he claims. Signed, C. Baltimore. Copy. Added below :—The sum and substance of what was argued

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and spoken by William Penn and Charles Lord Baltimore at their private conference at Newcastle, Delaware River, Tuesday, 29th May 1683. Mr. Penn had previously asked for this conference by letter of 23rd April. Reaching Saxafras river on Wednesday, 23rd May. I acquainted Mr. Penn with my arrival, met him on the 29th eight miles from Newcastle and came there with him that day. In the evening I asked him what proposals he had to make, as I had come to put a friendly issue to the boundary question. He replied that though the King's letter of 19th August was not to be insisted on yet as to the two degrees, yet he thought there was an admeasurement to be insisted on still. I thought this strange, as at our previous conference he had waived that letter, which, moreover, was at variance with our patents; and he took some pains, not without heat, to explain the admeasurement which he insisted on, as follows:—As the fortieth parallel was my northern boundary, he doubted not to ascertain it by an observation first taken at Watkins Point, from which the fortieth degree was to be measured. He doubted not, he said, to gain six or seven miles in that way, and so to get water at the head of Chesapeake Bay, and this was the mystery which he was plain to tell Lord Baltimore. He assured me that he had no doubt of obtaining it from the King; to which I answered that if he could impose his dictates on the King and Council it would be vain for me to hope for justice, but that I did not think he could; and since he talked of taking an observation at Watkins Point, the southern bounds, I did not see why my northern bounds should not also be ascertained by observation, and asked him how he resolved to have his northern boundary, the forty-third parallel, ascertained. He said, by an observation. To which I rejoined that he did not approve of an admeasurement for his own three degrees, though he thought it necessary in my case, and yet there was more reason for using measurement in his bounds (there being several degrees mentioned in his grant) than in mine, for I had only Watkins Point to south and the fortieth parallel to north. After much argument Mr. Penn at last told me that if I would accept a proposal of his he doubted not to bring all to a friendly issue. I told him that I asked nothing more. He then proposed that, if I would let him have the Susquehanna River for an inlet and sufficient land on each bank for his occasions, and name the price in writing, he would join with me in taking an observation of the fortieth parallel. I asked him how he could expect me to name a certain price in writing before I knew how far north up Susquehanna River the fortieth parallel might lie. He asked what latitude recent observations had fixed for Palmer's Island. I produced the observation, by which he saw that the island lies sixteen miles south of the fortieth degree. He then said that he thought Newcastle would lie about twelve miles south of that degree, and asked me to give him in writing how much he must give me for as many miles as my rights run up that river, how much for ten, if ten, how much for sixteen, if sixteen. He would then be willing to go with me to the heads of the rivers and join me in taking observations, with a few persons only, and

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without the noise and trouble of troops of horse. I thought this proposal very new and strange, and asked for time to consider it. He was unwilling to give me longer than next day, when I made him some offers which he rejected, and so we parted. *Signed*, C. Baltemore. 31 May. 2½ pp. *Endorsed*. Rec. 23 November 1683. [Col. Papers, Vol. LI., No. 11.]

June 12. **1118.** Lord Baltimore to Sir Leoline Jenkins. Will you so far favour me, that should Mr. William Penn, who is suddenly bound for England, move for fresh orders as to our boundaries, nothing may be settled till I be heard in person. Public affairs will not allow me to leave this season, but next May or June I shall present myself. *Holograph*. 1¼ pp. *Endorsed*. [Col. Papers, Vol. LI., No. 12.]

June 12. **1119.** The same to the Marquis of Halifax. To the same purport as the foregoing. *Holograph*. 1½ pp. *Endorsed*. [Col. Papers, Vol. LI., No. 13.]

June 12. **1120.** Journal of Lords of Trade and Plantations. The Agents for the Massachusetts presented an address from the Colony to the King (see No. 1032), and produced a new Commission, which, being read, the Lords observed that the Agents are thereby empowered jointly and not severally to attend the King in the regulation of that Government. Mr. Randolph, lately arrived from New England, was called in and reported that the Council of Massachusetts has resolved not to surrender but to defend its charter. He also submitted a paper of articles against Massachusetts (see next abstract). The Lords agree to report that the Attorney-General be ordered to bring a *quo warranto* against the Charter.

The Agents on behalf of Lord Baltimore and Mr. Penn called in and Counsel heard on both sides. The question between them is : Did the Dutch possess the lands claimed by Mr. Penn in 1632? which Penn's agent undertakes to prove affirmatively.

Memorandum of letters received. [Col. Entry Bk., Vol. CVII., pp. 167-172.]

June 12. **1121.** Articles of high misdemeanour exhibited against the Governor and Company of Massachusetts by Edward Randolph. 1. They execute the powers in their charter otherwise than as directed, and exceed them. 2. They have made laws repugnant to the laws of England, and have not repealed those objected to by Sir William Jones and Sir Francis Winnington as they promised. 3. They continue to raise money from non-freemen, contrary to the opinion of Sir Robert Sawyer. 4. They continue to exact an oath of fidelity to themselves, notwithstanding the King's orders to the contrary, and make such oath essential to the tenure of office and even freedom of the Company. 5. They have refused to the King's subjects the benefit of juries in trial of civil causes, and denied to such as were not of their persuasion copies of records to enable them to appeal to the King. 6. They have obstructed the execution of the Acts of Trade and Navigation, and refused to

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recognise many of them. They award executions against the King's officers in causes under appeal to the King, obstruct his officers in the discharge of their duty, refuse appeals to the King, and set up their own naval office in opposition to his. They have made in October 1680 an arbitrary order compelling the King's officers to deposit security in Court for a special Court, contrary to law and royal order, and have refused to repay such deposits when ordered by the King. 7. They impose customs on goods imported from England, though this was judged by Sir Robert Sawyer to be illegal. They have found against the King in all causes for seizure of ships in the face of clear evidence. 8. They opposed the King's Commissioners in 1664, notwithstanding their protestations of loyalty, proclaimed the General Court the supreme judicature of the Colony, received Goffe and Whalley, the regicides, with honour, and protected them. 9. They have not administered the oath of allegiance to the King to the inhabitants, though required by law and by their charter. 10. They have invaded the rights of the Duke of York, Lord High Admiral, by erecting an Admiralty Court of their own. 11. They discountenance and discourage members of the Church of England, forcing them under penalties to attend their meetings, and accounting all others unlawful assemblies. 12. They coin money, which their own Agent admitted to be a high crime, and, though pretending to beg the King's pardon for it, persisted therein. 13. They have committed divers other high crimes in contempt of the King and to the oppression of his subjects. *Signed*, Edward Randolph. $3\frac{1}{2}$ pp. *Endorsed*. Read 12 June 1683. [Col. Papers, Vol. LI., No. 14, and Col. Entry Bk., Vol. LXI., pp. 173-178.]

June 12.

1122. First copy of the foregoing, with a few corrections and alterations of the numbering of the articles, which in the final copy were reduced from fifteen to thirteen. *Signed*, Edward Randolph. $4\frac{1}{2}$ pp. *Endorsed with a memo*, that the articles were afterwards digested into a better order. [Col. Papers, Vol. LI., No. 15.]

June 12.

1123. Minutes of Council of Barbados. Richard Howell took the oaths and his seat as a member of the Council.

June 13.

Several persons appeared with their accounts for powder and arms. Edwyn Stede, John Hallett, and John Johnson appointed a Committee to examine them and report. Several Commissioners of fortifications brought in their reports. Order for payment of money due to Thomas Bringhurst. Petition of Simon Cooper for 474*l.* 7*s.* 11*d.* for work and materials in the fortifications. Order for payment of 200*l.* on account, the balance to be discharged after inspection of the Treasurer's books. Henry Walrond, Samuel Newton, and Thomas Walrond took the oath as amended. Order for the churchwardens of the several parishes to pay their ministers quarterly, or at latest half-yearly, except where the whole annual salary is paid in advance at the opening of the year. [Col. Entry Bk., Vol. XI., pp. 575-578.]

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June 13.

1124. Order of the King in Council. Report of Lords of Trade and Plantations. We have examined the powers transmitted to the Agents of Massachusetts and find them insufficient. We therefore recommend that the Attorney-General be ordered to bring a *quo warranto* against the Governor and Company. *Dated* 12 June 1683. Ordered accordingly. Mr. Randolph to furnish the Attorney-General with evidence. [Col. Entry Bk., Vol. LXI., pp. 178-179.]

June 14.
Barbados.

1125. The Secretary of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of the proceedings of the Secretary's office. *Signed*, Edwyn Stede. $\frac{1}{2}$ p. *Endorsed and inscribed*. Recd. 21 Aug. 1683. [Col. Papers, Vol. LI., No 16, and Col. Entry Bk., Vol. VII., p. 188.]

June 15.
Nevis.

1126. Sir William Stapleton to Lords of Trade and Plantations. I thought it my duty to give you an account of my Indian hunting, being forced to return earlier than I wished by the rains and the want of provisions. The rains were the chief reason, for I was unwilling to expose the men to the agues that might attack them if they marched through the woods at this time of the year, or to the danger of an attack from skulking Indians when our powder was wet and our arms in ill condition. All our men had cartouche boxes, but these cannot altogether preserve powder from moisture, while the Indians could always let fly their arrows, the strings being made of silk grass. No one but the French can give me an account of the dead and wounded, and they must have it from the Indians themselves, for they always carry off their dead if not too closely pursued, as they have been at four or five distinct places upon the strand and in defence of their periagos. Eleven were seen and felt killed (*sic*), one of whom, by the information of an Indian, was Captain Tabary, the leader of the massacre in Barbuda and Montserrat. The number of the wounded is very uncertain, but from several tracks of blood found by several pursuing parties we conclude that the wounded are many. Time and the French may inform us. We had five wounded, four whites and one black. All, thank God, are well but one, who died at Antigua from the wound of a poisoned arrow. Two of the five were struck with arrows through their own supine negligence. They got ashore in Prince Rupert's Bay, Dominica, the day I came away. I had ordered that none should go ashore after I fired a gun and loosed a topsail, and gave verbal orders to the commanders to let none go. But these men must needs go to walk and catch crabs, and they could have been captured by the Indians had not an officer with a file of men rescued them, killing one Indian and wounding another. One of the five was shot with a slug, but he is very well. He is not of my company in St. Christophers. The Indians may have forty fire-arms, but hardly more. They get them from the French, and we have taken some few of them, also some rapiers and backswords. We took forty-six large periagoes and canoes, which were split and burned, thirty-five at St. Vincent (where but five or six are left) and eleven at Dominica, where

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there may not be three left. These must be recruited from the Main. We burned upwards of three hundred houses, but pitiful little ones, except their day-houses that is their war- and carousing-houses. I measured one, an hundred feet long and thirty broad. We have destroyed a prodigious quantity of their provisions, and yet they have plenty, for they plant nothing else but two or three cocoa trees here and there near a river. It would, perhaps, be impertinent or troublesome to tell you the accidents and cross circumstances of the voyage except in general terms. We had cross winds, calms, and incredible currents, which dispersed two-thirds of the vessels in company in four hours from the Sugar Loaves [Pitons] at St. Lucia, where we were altogether, six topsail vessels and eight sloops. Some were forced to Dominica, others to Guadeloupe and Martinique, nay, the best sailing sloop that I had even to Antigua. I ordered the master of the vessel in which I was to hug the shore by short trips, and observe the current, which gained my passage. I stayed nine days in vain for them at the south-east end of St. Lucia, and then resolved that I would stay no longer, even though I had but one company; and having two hundred men, we weathered St. Vincent and landed at the south-west end of it. Should you require a journal of the expedition I will send it, but not thinking it worth your perusal I hope this may suffice. I must add that the French have furnished the Indians with fire-arms, powder, and bullets. They buy the plunder and negroes taken from the English Islands, and entertain several families of them in Guadeloupe, Martinique, Mariegalante, and the Grenadines, which are receptacles for the Indians of St. Vincent and Dominica, and for their robberies. There were three Frenchmen with them in Montserrat and Barbados. I have sent their names to the French General who has promised me justice against them, and has also prohibited the French to trade with them for powder, bullets, or negroes. Having such fair compliance from him I could not deny him one of the Frenchmen suspected to have been at Montserrat with the Indians, but I stipulated that unless the men could be proved to have been on a French Island when the Indians were at Montserrat, he should be executed. May I beg for a quietus from this the most troublesome and changeable government that the King has abroad, or at least for a furlough. Pray also mediate for payment of my arrears, new and old, for payment of my creditors here.
Holograph. 3 pp. Endorsed with a long précis. Recd. 14 Aug. Read, 17 Aug. 1683. [Col. Papers, Vol. LI., No. 17, and Col. Entry Bk., Vol. XLVII., pp. 98-101.]

June 17. **1127.** Returns of Imports and Shipping from 17th March to Barbados. 17th June 1683. [Col. Entry Bk., Vol. X., No. 15.]

June 18. **1128.** Journal of Council and Assembly of Antigua. Letter from the Governor, dated 6th June, recommending to the Council and Assembly Colonel Edward Powell, who had been commended by the King to his care. Colonel Powell's commission was read

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before the Council and Assembly. [Col. Papers, Vol. XLIX., No. 81.]

June 19.
Boston.

1129. Governor Cranfield to Sir Leoline Jenkins. My last was by Mr. Randolph, since whose departure I have spent my time here to pry into the intrigues of the Government and enable me to save the King by giving an account of my observations. There can be no greater evil to the King's interest than the pernicious and rebellious principles which flow from the College at Cambridge, which they call the University. From this source all the towns both here and in the other Colonies are supplied with factious and seditious preachers who stir up the people to dislike of the King, of his Government and of the Church of England. They term the liturgy a precedent of superstition picked out of the Popish dunghill. I am of opinion that the country can never be settled, nor the people become good subjects till the preachers are reformed, the College suppressed, and the several churches supplied with learned and orthodox ministers from England, like the rest of the King's dominions in America. The country grows very populous, and if longer left ungoverned or governed as now, I fear that it may be of dangerous consequence to the King's possessions in America. What encouragement their agents have had in England I know not, but since the arrival of the last ship from London these disloyal magistrates are grown more insolent than before in abusing the King's officers in the execution of their duty; and no justice can be had from them, for the judges and magistrates openly on the bench are advocates against the King and deny appeals to him. Mr. Randolph's brother, who was left here as his deputy, being unable to serve the King, is going to England to lay his complaints before you. He has been daily affronted and abused, as I myself can testify. If the Boston Charter were annulled, and the chiefs of the faction called to answer in person for their misdemeanours, and the teachers restrained from preaching sedition, it would greatly encourage the loyal party, who have been oppressed and excluded from all places of trust. You may be sure that even if the agents in England be empowered to agree to the King's regulation of the Government, the insincerity of the ruling faction is such that they would never keep faith. This is demonstrable by their proceedings in the law which they made in February last, for the observance of trade and navigation. They now openly act against it. Mr. Randolph will doubtless have informed you of this, but I think it right to confirm him. I return to New Hampshire to-day. The people being influenced from hence are still in a stubborn humour. A frigate on the coast, even for no long time, should put them into a better temper. They have an idea that the King will not go to such expense, and this it is that makes them so turbulent. Pray procure me leave of absence to go home or to some other colony for three or four months, if I should be indisposed through the severity of the weather. I am still suffering from the effects of last winter, for the cold does not agree with my thin constitution. Signed, Edw.

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Cranfield. 2 pp. *Endorsed.* Read to the Lords 17 August 1683.
 [Col. Papers, Vol. LI., No. 18.]

June 19.

1130. Governor Cranfield to Lords of Trade and Plantations. I regret that I cannot give assurance of my ability to serve the King without putting him to the expense of sending a frigate for three or four months. I have done my best, but Moody the preacher, Waldern, and three or four more have defeated my efforts. Mr. Barnard Randolph, who brings this, has been driven from the country. He was cast the other day in a case for breach of the Act of Trade because the Court refused to recognize the law of 14 Car. II. He then appealed to the King and Council, but was flatly denied, though he offered security for costs and charges. They have denied appeals to the King in another case also. Governor Bradstreet to-day thrust Thayre's wife out of his house and used her ill, because she desired him to order the town of Braintree to send over an authentic copy of the deed and give notice to Savage and Clapp. I know not what plausible promises the agents may make at Whitehall, but their practices here are mere contradictions even of their own laws, where those laws do not answer their interest. I was charitable enough to suppose that the passing of an Act for regulation of trade at the last General Court would have caused them punctually to keep it, for they respect their own laws more than the English Parliament's. But when I came to hear the trial, I found that Danforth was judge, and most of the magistrates advocates against the King, using such saucy expressions of him as are not fit to repeat. When the charter is annulled, the College at Cambridge should be suppressed. They look upon their teachers as apostles, and it is incredible what an influence they have over the vulgar. I shall do my best, but I can do little under present conditions, for the principles of the Bostoners debauch all the neighbouring Colonies. *Signed,* Edw. Cranfield. 2 pp. *Endorsed.* Read 17 August 1683. [Col. Papers, Vol. LI., No. 19, and Col. Entry Bk., Vol. LXVII., pp. 91-93.]

June 21.

1131. Commission of Lords Proprietors of Carolina to John Moore, appointing him Secretary of the Province west and south of Cape Fear. *Signed,* Craven, Albemarle, Bath (for Lord Carteret). [Col. Entry Bk., Vol. XXII., p. 12.]

June 22.

1132. Lords Proprietors of Carolina to the Governor and Parliament of the Province South and West of Cape Fear. We perceive by your letter of 2nd March that there is some alteration in the persons of the Grand Council; we desire to know if some of them were turned out for misdemeanour, or whether they retired voluntarily, or whether you of yourselves made a new choice, and, if so, by what authority; for by our fundamental constitution the Grand Council is elected for life, and members cannot be turned out but for misdemeanour. Moreover, by our temporary laws we have appointed that the Parliament having once chosen eight persons to be of the Grand Council, those eight are to continue until the

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country be capable of Government according to our grand constitution, or until we ourselves make a new choice. If, therefore, you have made a new choice, it is without our authority ; and for any to elect magistrates, or for any to act as magistrates without any authority duly derived from the King, is a crime of high nature, and in you that are of the Government and Parliament of Carolina, a breach of the trust reposed in you by our fundamental constitution. However, we think that it may be only a mistake on your part, and having a good opinion of the persons you have appointed, we approve the choice made by the Parliament, though against our rules ; but withal we require you not to make any new choice of a Grand Council without our direction, for, if you do, we cannot answer the not taking notice of it in a legal way. But we do not mean hereby that you shall not fill vacancies occurring through death or otherwise, but they are to be filled up by Parliament according as any die or go away without intention to return, or are two years absent. There are two counties so planted as to be capable of it. We hereby order the biennial Parliament to be held next November for the future Parliament of twenty persons, ten to be chosen by the freeholders of Berkeley county in Charlestowm and ten by the freeholders of Colleton county in London in the said county. The persons chosen must be freeholders of five hundred acres and inhabitants of the said counties. These rules are to be observed till further orders. *Signed, Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton.* [Col. Entry Bks., Vol. XXI., p. 43, and Vol. XXII., pp. 11-12.]

June 22. 1133. The same to the same. Announcing appointment of John Moore to be secretary of the Province. [Col. Entry Bk., Vol. XXII., p. 12.]

June 26. 1134. Copy of the writ of *quo warranto* issued against the Westminster. Governor and Company of Massachusetts. Latin. 1 p. [Col. Entry Bk., Vol. LXI., pp. 179-180.]

June 28. 1135. Petition of Edward Randolph and other loyal inhabitants of Massachusetts to the King. The Company has for many years levied taxes on us, though not freemen, which, in your Attorney-General's opinion, is not warranted by Charter. No account of considerable sums disbursed by the late agents in England was shown on their return. Besides two rates imposed for the expenses of the present agents, the General Court in March last levied an additional rate of 1,000*l.* to carry on their solicitations against the Royal prerogative. The Governor and Company pay not the eighth penny of this ; it is nearly all borne by non-freemen and subjects who prefer your Majesty's Government. Now since you have announced your intention of bringing a *quo warranto* against their charter, they will probably levy further taxes on the people to defeat what the people most desire, a more immediate dependence on the Crown. We beg therefore that no more taxes be levied on non-freemen, nor on such of the freemen as are willing to surrender the charter, and that no public money be employed in defence of

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the charter, but that the defenders pay their own expenses. *Copy.*
2 pp. Endorsed. Recd. 28 June 1683, read at Council July 11
 and 17, 1683. [Col. Papers, Vol. LI., No. 20.]

June 28.

1136. Extracts from two letters of Sir Thomas Lynch. *April*
 15. I greatly desire a dormant commission for Colonel Molesworth.
 Believe me, he is an intelligent, loyal, virtuous gentleman, who will
 serve the King and country. I will pawn my credit and life on it.
June 28. In case of my death the Island runs a great risk, for it
 will be ravaged. A blank commission would retrieve it. I desire
 your care and solicitation therein. *1 p. Endorsed.* Read 6 Oct.
 1683. [Col. Papers, Vol. LI., No. 21, and Col. Entry Bk.,
 Vol. XXX, p. 165.]

1137. Petition of Stephen Waterman to the King. In 1661
 your Majesty granted to Henry Killigrew and Robert Dungan
 part of the estates forfeited by Owen Rowe, Cornelius Holland,
 and Sir John Danvers in the Bermudas, which estates they sold
 to my father, from whom they descended to me. Hitherto
 Mr. Killigrew has omitted to pass your grant under the Broad Seal,
 and the instrument by which my father held the estate was lost in
 the great fire. The estate is but of small value, for which ample
 consideration has been paid to the patentees, and I therefore pray
 for your royal grant of the same. *1 p. Endorsed.* [Col. Papers,
 Vol. LI., No. 22.]

1138. A true state of the title of Christopher Waterman to
 lands in the Bermudas. An amplification of the foregoing,
 adding little except that Waterman's father died in 1682. *Signed,*
 C. Waterman. *1 p. Annexed,*

1138. I. Copy of the King's writ for inquiry into the estates of
 Owen Rowe, Cornelius Holland, and Sir John Danvers in
 Bermuda. Dated 17th Feb. 1661-62. *½ p.* [Col. Papers,
 Vol. LI., Nos. 23, 23 I.]

July 1.
Barbados.

1139. Return of ships arrived from 1st January to 1st July 1683.
8 pp. [Col. Entry Bk., Vol. X, No. 16.]

July 4.

1140. Instructions to John Moore, Secretary of the Province of
 Carolina south and west of Cape Fear. Seven clauses respecting
 correspondence and the keeping of records. *Signed,* Craven,
 Albemarle, Bath (for Lord Carteret), Pr. Colleton. [Col. Entry Bk.,
 Vol. XXII., p. 13.]

July 5.

1141. The Clerk of Assembly of Nevis to Lords of Trade and
 Plantations. Forwarding transactions of the Assembly. [Col.
 Papers, Vol. XLIX., No. 83.]

July 9.
London.

1142. The Secondary of the Sheriffs of London to the Governor
 and Company of Massachusetts. Advising them of the issue of the
quo warranto against them. *Signed,* R. Normansell. [Col. Entry
 Bk., Vol. LXI., pp. 180-181.]

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July 10. **1143.** Minutes of Council of Barbados. The Council was occupied with several causes upon errors, &c.

July 11. Order for payment of 15*l.* annually as a pension to Jane Baynes. Warrant for payment of 40*l.* to John Tagg, mason, for work on the fortifications, of 50*l.* to Edwyn Stede for sundry small necessaries for the same, of 20*l.* to Sir Timothy Thornhill, and 30*l.* to Colonel John Sampson for the forts of Hole and Speightstown. The Deputy Governor ordered notice to be entered of the frequent absence of Thomas Walrond and Henry Walrond from the Council. [Col. Entry Bk., Vol. XI., pp. 578-581.]

July 11. **1144.** The Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly return of Council's transactions and of imports from 7th March to 7th June. Signed, Jno. Witham, Henry Walrond, Thomas Walrond, Edwyn Stede, Richard Howell, Robert Davers. $\frac{1}{2}$ p. Inscribed and Endorsed. Received 7 September 1683. [Col. Papers, Vol. LI., No. 24, and Col. Entry Bk., Vol. VII., p. 188.]

July 11. **1145.** Edward Randolph to [the Lord Keeper]. The news of the *quo warranto* against New England malicious people may be apt to infuse false and seditious insinuations into the public mind respecting the future settlement of the Colony. I venture to suggest that a declaration from the King, promising to preserve their liberties and properties, would induce people more easily to surrender their charter, and that some person be immediately sent to carry that declaration over, as was done when the charter of Virginia was vacated. I hear that the Mermaid frigate leaves soon for Barbados; it will not be a fortnight's sail out of her way to go first to Boston. Signed, Ed. Randolph. 1 p. [Col. Papers, Vol. LI., No. 25.]

July 11. **1146.** Duplicate of the foregoing, unsigned, addressed to the Lord Keeper and endorsed. Read 17th July 1683. [Col. Papers, Vol. LI., No. 26.]

July 16. **1147.** Sir William Stapleton to Lords of Trade and Plantations. The thirty soldiers to recruit the foot companies were duly delivered by Captain Carlile of H.M.S. Francis on the 6th instant. He is arrived at a season when the danger of hurricanes obliges me to order him either to a safe harbour, or to keep the sea in some safer latitude, and in the latter case to pursue the Indians and pirates who molest our traders. I have ventured to order fourteen men on board of him, twelve from the foot companies and two who were left behind by the Ruby. This will be no additional expense beyond that of their rations for three months. The pirates are well manned and resolute, while the Francis was indifferently manned. I therefore thought it my duty to strengthen her. We are in want of great guns in all these Islands, and especially for a fort at St. John's, Antigua. Sir Thomas Lynch was good enough to send Captain May in the Ruby, to help us against the Indians and pirates, a report having got abroad that they had ruined us.

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The Governors of Barbados, instead of assisting us, as you once wrote that they had been ordered to do, neglect not only that duty but even to avenge murders of their own inhabitants, as, for instance, thirty-seven Barbadians who were cut off by the Indians six weeks before I went there. Pray remember the arrears of the troops and of myself. *Holograph.* $1\frac{1}{4}$ pp. *Endorsed with a long précis.* Recd. 7 Sept. 1683. [Col. Papers, Vol. LI., No. 27, and Col. Entry Bk., Vol. XLVII., pp. 101-102.]

July 16. **1148.** Nicho. Spencer to Lords of Trade and Plantations. I enclose copies of the Council's transactions. I have no doubt that Lord Culpeper has acquainted you with the affairs of the Colony. *Signed,* Nicho. Spencer. 1 p. Recd. 28 Sept. 1683. [Col. Papers, Vol. LI., No. 28, and Col. Entry Bk., Vol. LXXXII., pp. 120-121.]

July 16. **1149.** Nicholas Spencer to Sir Leoline Jenkins. All is quiet, and the people are busy with their crops. In former letters I have acquainted you that in this year and last this Government has been much infested by privateers, or rather pirates, of whom we have great apprehensions, for our nakedness lays us open to their outrages while the Government is wholly unable to provide adequate means of defence. Lord Culpeper, however, fitted and entered into the King's service a small vessel of eighteen men and officers to cruise within the bay. This of course can do little more than give us timely notice of an intended attack, and we shall be as anxious as ever unless the King would graciously send us a small man-of-war, for the furtherance of which request I beg your good offices. *Signed,* Nicho. Spencer. $1\frac{1}{2}$ pp. *Endorsed.* [Col. Papers, Vol. LI., No. 29.]

July 16. **1150.** Duplicate of foregoing. [Col. Papers, Vol. LI., No. 30.]

[July.] **1151.** Petition of the Agents for Massachusetts to the King. Begging for leave to return home. If they may be instructed as to the reforms required by the King in the Government they will endeavour to advise their principals accordingly, that legal proceedings may be avoided. *Signed.* Joseph Dudley, John Richards. [Col. Entry Bk., Vol. LXI., pp. 182-183.]

July 17. **1152.** Journal of Lords of Trade and Plantations. Petition delivered by Mr. Randolph against Massachusetts (see No. 1134). The Lords thereupon enquire whether the Mermaid or any other frigate be shortly bound for the West Indies, and direct the Attorney-General to prepare a declaration from the King to Massachusetts. Mr. Randolph to carry the notification of the *quo warranto* to Boston.

Memorandum of documents received. [Col. Entry Bk., Vol. CVII., pp. 173-176.]

July 17. **1153.** William Blathwayt to the Attorney-General. Directing him to prepare a declaration from the King to the inhabitants of Massachusetts, with instructions as to the contents thereof. $1\frac{1}{4}$ pp. [Col. Entry Bk., Vol. LXI., pp. 183-185.]

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July 17.
Council
Chamber.

1154. William Blathwayt to Mr. Brisbane. Requesting to know whether the Mermaid or any other frigate is bound for the West Indies shortly, that she may take the advice of the issue of *quo warranto* against Massachusetts to Boston. [Col. Entry Bk., Vol. LXI., p. 182.]

[July 17.]

1155. Proposal of Mr. Daniel touching the Government of New England. What mediums may be proper in reference to the Governor and Deputy Governor; how the King's Customs may be regulated and secured; will a general Governor or superintendency be most practicable? They put in a bill of nomination of twenty-six, of which the eighteen that have most votes stand for the year ensuing. Instead of that, the King might strike off six, possibly remove the malignant, and engage the rest to serve him faithfully lest they be removed next year. For Governor and Deputy Governor three might be nominated to each place, and the King prick one. For the security of the revenue the King could prick seven of the above magistrates to form a Court, who shall have a sworn sheriff to prick a jury. Where cases are not managed justly in the King's interest they should be referred to Whitehall. If the present agents be dismissed and return with Mr. Randolph, the people will probably submit, especially if the King refuse to receive more agents until submission be given. A general Governor can hardly be appointed until the business of the *quo warranto* is complete, which will take time. But a superintendency may include all the Colonies and leave none to complain that they are differently dealt with. Might not four or six superintendents for all the six New England Colonies, hear cases of appeal, leaving only the most difficult and important to be brought to England? The King would do well to assure people of the safety of their private rights and interests. *Scrap.* Unsigned, in a very minute hand. Inscribed with the above heading and date. [Col. Papers, Vol. LI., No. 31.]

July 17.

1156. Minutes of Council of St. Christophers. Ordered (1) that the King's Escheator, Joseph Crispe, do for the future receive all fines and forfeitures; (2) that the Act for the better resettlement of the English part of the Island be put in full execution; (3) that two of the Assembly join two of the Council in examining the Treasurer's accounts. Address of the Assembly to His Excellency, asking for the first of these orders, also that no disbursement of public money should be made but by warrant of the Governor with the advice of the Council and the Speaker of Assembly; which was refused. Ordered that the days of humiliation and fasting begin on Friday, 3rd August, and continue every other Friday till the end of October. [Col. Papers, Vol. L., No. 98.]

July 19.

1157. Journal of Council and Assembly of Antigua. Message of the Governor and Council to the Assembly, desiring a supplemental Act to inflict severe punishment on those who fail to appear at guards, and bringing forward the defective state of the fort at Falmouth. Answer of the Assembly, expressing willingness to

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increase the punishment when it knows by what Militia Act the Island is now governed, and suggesting the appointment of a joint committee to see to the repairs of the fort. Paul Lee and John Parry of the Council, William Wainwright and John Lucas of the Assembly, to form that Committee. [Col. Papers, Vol. XLIX., No. 81.]

[July ?]

1188. Copy of Minute of the Board of Trade and Plantations of 8th December 1623, respecting a complaint of the Virginian planters who were ready to surrender the Charter, that the expenses of the defence were still paid out of the public stock; with the order thereupon. Dated 8th December 1623. *Copy.* 1 p. [Col. Papers, Vol. LI., No. 32.]

July 20.
Whitehall.

1159. Order of the King in Council. Approving the draft of a declaration from the King to the Governor and Company of Massachusetts. Edward Randolph to be the bearer of two hundred printed copies thereof to New England, as also of the notification of the *quo warranto*. 1 p. *Signed*, Phi. Lloyd. *Annexed*,

1159. i. The declaration alluded to. Promising to respect all private interests and properties in spite of the *quo warranto*, to regulate the charter liberally if the Governor and Company submit without further ado. All persons defending the Charter to pay their own expenses; no public money to be spent on the defence; men not free and freemen willing to surrender the Charter to be exempt from all taxes for maintenance of the defence. 1 p. *Blanks left for date*. *Endorsed*. [Col. Papers, Vol. LI., Nos. 33, 33 i., and Col. Entry Bks., Vol. LXI., pp. 185-186, and Vol. XCIX., pp. 214-216.]

July 20. **1160.** Order of the King in Council. That Mr. Randolph be sent in a frigate to Boston with the *quo warranto*, and that the Agents for Massachusetts be discharged from further attendance, pursuant to report of the Lords of Trade and Plantations agreed to on 17th instant. [Col. Entry Bk., Vol. LXI., pp. 186, 187.]

July 21.
Derby House. **1161.** Mr. Brisbane to William Blathwayt. No ship is bound to the West Indies except the Mermaid, and the time of her sailing depends on Sir Richard Dutton's return. [Col. Entry Bk., Vol. LXI., p. 182.]

July 25.
Whitehall. **1162.** Order of the King in Council. That a letter be prepared to Sir Thomas Lynch authorising the appointment of Mr. John Bourden to the Council of Jamaica in the room of Colonel Colebeck deceased. *Signed*, Phi. Lloyd. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. LI., No. 34.]

July 26.
Jamaica. **1163.** Sir Thomas Lynch to Secretary Sir Leoline Jenkins. Two days ago, just as our fleet was leaving Port Royal, one of our fishermen came in from Caimanos with the news that the privateers had taken Vera Cruz. I wrote this hastily to Mr. Blathwayt for

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your information. I give you what particulars I can, though I have no good intelligence. In my former letters I gave you an account of the career of Vanhorn (*see ante*, No. 963 i.). On leaving the President of St. Domingo he picked up three hundred men at Petit Guavos and sailed with them to the Bay of Honduras. On his way he anchored at the Cays and sent me a letter from Mons. Ponçay, saying that Vanhorn is sent after La Trompeuse, but instead of going to Hispaniola he bore up for the Bay of Honduras where Laurens the privateer was lying in wait for a couple of ships from Guatemala. The Spaniards hearing of this put little on board these two vessels, but sent to Havana for a great ship. Vanhorn coming in at the time when this ship was expected, sails into the road, boards the larger of the two ships, finds but thirty chests of indigo, burns her in a rage, and, bringing off the smaller vessel, joins Laurens, who was violently enraged at having thus lost his prize. The other pirates, however, made them unite; and so about the middle of May (as I judge) they sailed from Bonaco, a little island in the Bay of Honduras, with seven or eight ships, five or six barques, and twelve hundred men; chief commanders, Vanhorn, Laurens, and Yankey Duch—no English, except one Spurre, and Jacob Hall in a small brig from Carolina. With this force (having hardly agreed who should command in chief) they came, at the latter end of May, on the coast of Vera Cruz, and then put eight hundred men into Yankey's and another ship. These approached the coast, and, by a mistake as fatal as that of Honduras, were taken by the Spaniards ashore for two of the flota. They lit fires to pilot them in without sending to find out who they were, and thus the pirates landed in the night but two miles from the town. By daybreak they came into it, took two forts of twelve and sixteen guns, finding soldiers and sentinels asleep, and all the people in the houses as quiet and still as if in their graves. They wakened them by breaking open their doors, and then a few gentlemen appeared with swords but immediately fled. So the pirates had the quiet possession and plundering of churches, houses and convents for three days, and not finding gold and silver enough they threatened to burn the great church and all the prisoners, who were six thousand in number. So the prisoners sent into the country for money for them; and on the fourth day the pirates left the town and went with their pillage to a cay, and there divided it in the face of the flota, who, to add to the miracle, had been two days off the port, and durst neither land nor attack the privateers' empty ships, though the flota was fourteen good ships. The pirates made ten or twelve hundred shares, and had about eight hundred pieces of eight a share. Vanhorn struck thirty shares or about six thousand pounds for his own ship alone. When he came on board he pressed the Captains to attack the flota and offered to board the Admiral himself, but Laurens would not, either because he had got enough, or from jealousy of Vanhorn, whom he wounded and was like to have killed on shore, out of revenge for taking the Spanish ship and for calling him coward. On the third day of the sack Spurre found the Governor under a manger and with great difficulty saved

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him from some of the French who had been prisoners there and ill-used. These would have killed him, but they appear to have spared him and all the Spaniards. They brought away abundance of negroes, Mulattoes and Mesteios. In the action the Spaniards killed but one man. Some three more, all English, that were of the forlorn, were killed by the French themselves. Once at sea again they parted. Most talked of going to Petit Guavos. Vanhorn could not go there without careening, so said he would make for New England. Jacob Hall is gone to Carolina, Yankey got first to Caimanos and is bound for Hispaniola. A sloop that came in yesterday got this information from his men. I have sent orders to the Point to prohibit the sloops from bringing in persons or goods, for as we were not the thieves we will not be the receivers. The Council meets to give further orders to-morrow. The design is affirmed to be lawful not only by Vanhorn's Brandenburg Commission but by the Governor of Tortugas, for the war is publicly owned and declared.

The authorities in Spain or the Governors here have thought that the interloping trade of Dutch ships and of some few sloops of ours is an injury to the commerce of Europe, and have therefore armed some small craft and ordered them to take all ships that have on board any *frutas dessas Indias*, whereby they make all fish that come to net. They [the holders of Spanish commissions] have committed barbarous cruelties and injustices, and better cannot be expected, for they are Corsicans, Slavonians, Greeks, mulattoes, a mongrel parcel of thieves and rogues that rob and murder all that come into their power without the least respect to humanity or common justice. It was one of these, one Juan Corso, who by landing on the coast of Hispaniola and carrying away many prisoners, slaves, &c., caused the French Government to grant commissions of war, and it is to be feared that on the privateers' return they will destroy St. Jago de Cuba, where Corso shelters himself. If Vanhorn should get up, it may be St. Domingo that will suffer. The injustice and avarice of that President [St. Domingo] is the cause of all this; and all the Governments act after like manner, forced to it either by orders from Spain or an insatiable desire to get money. So that it is to be feared that these Indies will be ruined. The Spaniards are so covetous that hardly one of them will spend a piece of eight to save a province, so formal that they will not redress the most notorious injury but remit it to Spain. Still, for all these discouragements I have done my best, for it is England's interest that peace should be kept and the Spaniards not destroyed. But it is impossible to save those *quos perdere vult Jupiter*. All the Governors in America have known of this very design for four or five months. Just about so long ago Don Juan de Castillo, by whom I wrote to the Viceroy of Mexico about our prisoners, left this Island in one of our sloops, [so he was aware of it]. The President of Panama received advice by Don Juan de Ollo. Three months since I wrote the Governor of Havanna complaining of the piracies of Juan Corso, and desiring to know if he owned them;

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but neither he nor the Governor of St. Jago would ever answer. This Juan a month since took a boat of ours bound to New Providence; he has killed divers of our people in cold blood. In one case he cut off a man's head because he was sick and could not row so strongly as he expected. Barbarities like these and worse he commits daily, so I would beg you to *direct me what to do*. No redress is to be expected of any Spanish Governor. He of St. Jago has now a New England ketch that some French seized at Salt Tortugas and forced to come into Hispaniola. Off the coast this Juan Corso takes them, and brings them into St. Jago. The Frenchmen are then condemned to death as pirates, but the vessel and the Englishmen detained. As the French pirates were marched to execution the town mutinied and reprieved them from fear of the Frenchmen's revenge, and paid the Governor two hundred pieces of eight in composition. This is the manner in which they do everything. The Ruby as you know is to windward, where La Trompeuse and other pirates were. I hear now that the pirates have made for Virginia to capture Lords Culpeper and Baltimore on their way to Boston. They will miss them, however, for the Lords will travel by land; and I rather believe now that La Trompeuse is gone to the coast of Africa for more gold. The Guernsey is expected every day from the coast of the Main. I am thinking whether to send her to Vera Cruz for the English prisoners. *Holograph. 7 pp. Endorsed. Recd. 29 Oct. [Col. Papers, Vol. LI., No. 35.]*

[July 26.]

1164. Petition of Richard Brayne to the King. Petitioner for several years served faithfully as Chief Judge of the Common Pleas, and of the Court of Admiralty, and as Captain of a troop of horse in Jamaica, until discharged from all those offices, under pretence of contempt and other misdemeanours, by Sir Henry Morgan. Sir Thomas Lynch since his assumption of Government has offered him a commission as Chief Judge of the Common Pleas, but petitioner being deeply hurt and conscious of innocence, seeks restoration to all his offices or an immediate trial of the offences imputed to him. Prays therefore for the royal order to Sir Thomas Lynch personally to examine the case. 1 p. Subscribed with a minute referring the petition to Lords of Trade and Plantations for report. Signed, L. Jenkins. 26 July 1683. [Col. Papers, Vol. LI., No. 36, and (minute only) Col. Entry Bk., Vol. XXX., p. 163.]

July 26.

1165. Edward Randolph to Sir Leoline Jenkins. I am ordered to carry the King's declaration and the notification of the *quo warranto* to Boston. The Mermaid frigate may be otherwise disposed of, but it is essential that a frigate should be on the New England coast at such a time to second the *quo warranto* and hasten the submission of the Bostoners; otherwise every artifice will be devised to oppose the King's orders and plead to the *quo warranto* which will delay the vacation of the Charter for twelve months. I therefore suggest that for the support alike of the Royal authority and the revenue that some small frigate may be ordered to lie on the coast of New England while the Bostoners

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make up their minds either to submit to the *quo warrantum* or evade it by tumults or otherwise. This is in some manner a parallel to the rebellion in Virginia, where the timely despatch of a war vessel would have saved eighty thousand pounds spent too late for the same service. If a frigate be sent now early to Boston, the people will submit. Pray glance at the enclosed copy of a letter from New England. If they still oppose the King's Government when their agents are here, what is to be expected when they return home with news of the *quo warrantum*, unless a war vessel be present to awe them? 1½ pp. *Holograph. Endorsed. Annexed,*

1165. i. Barnard Randolph to Edward Randolph. I have received many affronts since I took up the office you left me and cannot get justice. I ordered one of our deputies on board a sloop at Marblehead to search her. He was shrewdly beaten and the constable had his staff broken over his head. I have seized a Jersey ship and brought her to trial but am cast, having protested and appealed against the Court. "Your truly loving brother." Boston, 13 June. *Copy.* 1 p. [Col. Papers, Vol. LI., Nos. 37, 37 i.]

July 27. 1166. Order of the King in Council. Referring petition of Robert Orchard to the Lords of Trade and Plantations for report. *Signed, Phi. Lloyd.* 1 p. *Annexed,*

1166. i. Petition of Robert Orchard, of Boston, New England, to the King and Privy Council. On 19th April 1682 (*see ante, No. 479*), I complained to you of divers illegal impositions laid on me and levied by distress by the authority of the Governor and Company of Massachusetts, and it was ordered that a copy of the petition should be delivered to them for answer in writing, and that they should appoint an agent to represent them at Council Chamber within three months of delivery. I delivered the petition in person on 22nd February last past, and not the least notice has been taken. I beg for relief. 1 p. *Copy certified by Philip Lloyd. The whole endorsed.* Recd. 14 August. Read 17 August. [Col. Papers, Vol. LI., No. 38, and Col. Entry Bk., Vol. LXI., p. 188.]

July 27. 1167. Order of the King in Council. Referring Sir Richard Dutton's answer to the petitions of Samuel Hanson to the Lords of Trade and Plantations to deal therewith. *Signed, Phi. Lloyd.* ½ p. *Annexed,*

1167. i. The answer of Sir Richard Dutton, prepared in obedience to the order of 20th July 1683. I long since submitted my answer to Hanson's first petition, and did not expect to be further troubled by such vexatious petitions. As to his two later petitions, I never saw them till last Wednesday, when I also received your

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order. This last surprised me considering the short time that it gave me for my answer, and the ill-effect to the King's affairs in Barbados if that answer were rash and unconsidered. All my witnesses and papers are in Barbados, for I did not foresee that they would be required against so malicious an adversary as this proves to be. That you may know how fraudulently he has treated you I may tell you that he threatens to spend two thousand pounds to be revenged on me. I would call your attention to a statement in his third petition, wherein he says that on breaking gaol he left behind him an estate of fifteen hundred pounds and three hundred negroes. If this be true he has cheated the country. By two Acts that I passed for levying a tax on land and negroes every owner makes a sworn statement of his property in both, and I shall prove by the records that he never paid half that proportion of either land or negroes. Notwithstanding my want of witnesses and papers, I am ready to submit to a hearing before you, and meanwhile I would ask that Hanson be required to find security for his return to Barbados, or, in default, be taken into custody. *Copy. 1½ pp. Endorsed. Recd. 30 July 1683. [Col. Papers, Vol. LI., Nos. 39, 39 I., and Col. Entry Bk., Vol. VII., pp. 196-198.]*

July 30.

1168. "A Journal of my proceedings of H.M.S. Francis with the Governor of St. Thomas's Island, belonging to the King of Denmark, there being in that port a pirate ship at anchor mounted with thirty-two guns and six pataaroes by the name of Trampues [Trompeuse], commanded by John Hambling, a [Frenchman]."
Monday, 30th July.—Arrived before the port of St. Thomas by three o'clock, saw a ship with white colour flying, jack, ensign, and pendant. The pilot assured me she was the Trompeuse. Stood in to view her, and when within range the pirate fired at me, and the Castle ashore also. Stood off. Sent a boat ashore with a letter from Governor Stapleton to the Governor desiring his assistance. Commanded a sloop to come on board, being English, which also assured me that this was the pirate. The Governor fired several guns in salute, which I returned gun for gun.
Tuesday, 31st.—Sent the master ashore with a letter to the Governor, protesting against the shot fired at the ship, and asking for information as to the consorts of the pirate. Made all haste to prepare fireworks, hoping to burn the pirate this night before she could be moved up into the bay. Letter from the Governor inviting me ashore on business. He had a great mind to get me ashore and in custody before the pirate's consort, which is daily expected, should come in. He sent me a present of fresh meat, and an invitation to dine with him to-morrow. Got my fireworks fixed to burn the pirate to-night. At 7 p.m. shoved off in the pinnace with nine men, towing another boat with five men more. The pirate discovered us

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before we reached them ; we exchanged shots with them, and then boarded and took possession. The crew escaped. Fired her in several places, and lay on our oars close by, to see that none came off to put out the fire. When she blew up she kindled a great privateer that lay by, which burned to the water's edge. Names of the men who went with me to fire the pirate. *Wednesday, 1st August.*—Got under sail and plied to eastward about a league, where there was a ship aground, a Flemish vessel of three hundred tons, full of good ship's stores for the pirates. Cut down her masts and set her on fire, but could not stay long, the people coming to oppose me. Returned and anchored off the port. *Thursday, 2nd.*—Sent a letter to the Governor saying that no doubt he would be angry at what I had done, but that I thought his firing on the King's flag was an even greater affront than my burning the pirate in his harbour. I demanded the delivery of four Englishmen, pirates, and warned him that, if he refused, I should summons three more frigates to my assistance. The pirates ashore were threatening to take vengeance, so kept good watch. *Friday, 3rd.*—Thick weather, with rain. Made a signal for sailing. A gun was fired unshotted from the Castle, and a messenger came on board with the Governor's answer to my letter. It being in Dutch could not translate it, but gathered from the messenger that the Governor had sent away the pirate captain and others to another part of the Island in an open boat. Searched for this boat, but could not find her. *Saturday and Sunday, 4th and 5th.*—Cruised along shore. *Monday, 6th.*—A storm, with wind shifting all round the compass. I thank God, had sea room enough. *Signed, Cha. Carlile [Captain]. 5 large pages. Endorsed.* Recd. 13th October 1683. [*Col. Papers, Vol. LI., No. 40.*]

1169. Duplicate of foregoing. [*Col. Papers, Vol. LI., No. 41.*]

Aug. 1.
Barbados.

1170. The Clerk of the Assembly of Barbados to William Blathwayt. Forwarding duplicates of the quarterly returns sent in April. *Signed, Ri. Cartwright. 1 p. Inscribed and endorsed.* Recd. 25th October 1683. [*Col. Papers, Vol. LI., No. 42, and Col. Entry Bk., Vol. VII., p. 209.*]

Aug. 1.
Philadelphia.

1171. William Penn to Secretary Bridgeman. I owe you thanks for many civilities since I left England, "I know not by what else than a kind providence and thine inclination to be good to the absent." There is a gentleman in that office who has sent a venture, that is, who has been friendly at a venture; pray give him my special thanks. I congratulate you on your respective returns and wish you the reward of your integrity and ability. Captain Markham, the bearer hereof, goes as my agent to Court on my poor affairs, and is very fit for it, as he has already acted as Deputy Governor of this province. I beg your friendship for him, few being equally able to second his endeavours at Court; and without skill it is losing time to solicit. The scene is changed since my departure and a man may miss the door. Courts are like loose

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grounds, they must be constantly watched and marked. But I dare promise myself that he will not want access to my ancient and noble friend Lord Sunderland nor good usage in your office. I send you a poor present of the country's produce. *Signed*, Wm. Penn. *Holograph*. 2 pp. *Addressed to Secretary Bridgeman in Lord Sunderland's office. Seal perfect. The second person singular is used more rarely than the second person plural.* [Col. Papers, Vol. LI., No. 43.]

Aug. 2.

1172. Commission to inquire into the forfeiture of Lord Culpeper's patent for life for the office of Governor of Virginia, on the ground that he absented himself from his government for three months without appointing a deputy to act for him. Issued to Philip Lloyd, William Bridgeman, P. Burton, Aaron Pengry. *Latin*. 5 pp. [Col. Entry Bk., Vol. LXXXII., pp. 106-111.]

Aug. 3.
Christiansport,
St. Thomas.

1173. Extract from a letter from the Governor of St. Thomas to Captain Carlile, H.M.S. Francis. Your recommendation from Sir William Stapleton and your own merit would never have led me to expect such an action from you as that you should by night secretly and under pretence of friendship have set fire to a frigate which was no pirate, but the property of the King my master. No good soldier would have done such a thing, considering that I caused the men to leave her, and put a small guard of my own on board that you might the more safely come in. You excuse and gloss over your proceedings with following a sea-robber and ruining him. If there were such a person his faults are unknown to me. None are executed without a hearing, and the sole jurisdiction lies in me. What should you say if one of our frigates did the like in an English port? The ship was already disarmed, unmanned, and confiscated to the use of the King my master. You complain of the shot fired from the Castle. It was to make you give due salutes, and you would have done the same; but since you accuse me of correspondence with pirates I send you the man who fired the shot in irons. The rest are fled. Your threat of summoning more frigates is unbecoming a soldier. *Signed*, A. Esmitt. *Copy*. 2½ pp. *Endorsed by Sir William Stapleton.* [Col. Papers, Vol. LI., No. 44.]

Aug. 3.
Whitehall.

1174. Edward Randolph to Sir Leoline Jenkins. I venture to give my reasons for taking a passage to Boston in a merchantman instead of waiting for a frigate. The *quo warranto* issued by the Attorney-General is returnable next Michaelmas term, and at the time I could hear of no ship that was going to Boston, whither I was ordered to take the notification of the writ, within three months. I thought that so long delay would give a handle to the disaffected party, and that it would be impossible for them to comply with the return of the writ, and I therefore asked for the use of H.M.S. Mermaid, but finding her required for other service and a merchantman on the point of sailing, I think it best to take my passage in her and bring the first news of the *quo warranto*

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together with the royal declaration. If the first frigate bound for the West Indies be ordered to call at Boston and bring me a copy of the King's orders the effect will be as great as if I had sailed in her. I am now informed that H.M.S. Rose of Algerees is already fitted out for a voyage to the Bahamas, with orders to call at Boston for two or three weeks on the way. I am equally ready to embark on her or on the merchantman, whichever be ready first, for despatch is the great object. *Holograph.* 1½ pp. *Endorsed.* [Col. Papers, Vol. LI., No. 45.]

Aug. 4.
Barbados.

1175. Depositions about the ship Resolution. Two batches, one of four and one of six sheets, written in a very large hand, taken in the Admiralty Court of Barbados, and referring either to interlopers or pirates. *Endorsed.* Recd. 10 Oct. 1683. [Col. Papers, Vol. LI., Nos. 46, 46 1.]

[Aug. 5.]
Port Royal,
Jamaica.

1176. Petition of the Justices, Churchwardens, Vestrymen, and other inhabitants of Port Royal, to Governor Sir Thomas Lynch. Though Port Royal is but sand and salt water, yet the convenience of the port makes it very great and populous. Most of the poor of the islands are brought thither by sloops; the inhabitants are charged with guards, with building of a church, of fortifications, which cost 3,000*l.* a year, have suffered heavy losses from pirates, amounting in one year to sixteen thousand pounds, and have spent a thousand pounds in fitting out vessels to put down those pirates. Your Excellency to support this heavy expense appointed a market to the parish, and gave the clerk's place of the market to the churchwardens for the use of the parish, a system which worked well for six years. But in Lord Carlisle's time came a patent giving to John Byndloss, then and now living in London, the clerkship of all markets and fairs, and many other offices in the Island, contrary to the express orders of the Lords of the Council. Having made the late Governor [Lord Carlisle] his attorney, his Lordship granted a fresh patent empowering John Byndloss or his deputy to take up the streets, set up stalls, and charge a shilling a day for them, and hold a market every day, Sunday not excepted. The patentee has now put in one, Mr. Craddock, as his deputy, who executes the office to the vexation of the people and the ruin of the place. Petitioners pray that the matter may be represented to the King, and that if their own patent be found invalid no patent such as that of Byndloss be again granted. *Large sheet.* *Inscribed and endorsed.* Recd. 5 Aug. 1683. [Col. Papers, Vol. LI., No. 47.]

Aug. 6.
Barbados.

1177. A general view of the affairs of the Island of Barbados, by John Witham, Deputy Governor. I am obliged to keep up the dignity of the Government to a higher degree than has been since Lord Willoughby's term, and am teaching the duty of obedience to all officials, and more particularly to the military officers. I am sure to command only what is readily obeyed. I engage myself in no dispute but where I have authority, and can exert it. I see that my orders are carried out, and where I observe remissness, give

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severe reproof, warning that a second offence will bring disgrace. No one in the militia attempted to trifle with me except Lieutenant-General Henry Walrond, who, as he retained that command after the Governor's departure, endeavoured to persuade some that he was in absolute command of the Militia. He would have put a slur on a Commission given by Sir Richard Dutton to one Elliott, to command in place of one Rawlins (an ill man), and I ordered the Lieutenant-General to draw his regiment into arms, and exercise them according to the discipline of war, and to publish Major Elliott's Commission. He obeyed the first order but would have neglected the other, and encouraged Rawlins to appear in arms, which Rawlins said he would do, and that he would take his orders only from the General. Having notice of this I laid an ambush for him, but Rawlins did not prove so hardy as he talked. I now called the Lieutenant-General and Rawlins before me; the former attempted at first to justify himself, but I gave him so severe a reproof that he tried to excuse himself and Rawlins, and since then he has not openly been so very troublesome. I have baffled all his attempts, though he never ceased trying to put difficulties on me; but I know him too well to trust him to look after any interests but his own. He and his brother Thomas use their positions only for their own ends, only not disobligeing creditors or others that fawn on them. I hope it may be considered how serviceable they are to the King's affairs. Mr. Peers is not much short of them, and though not so troublesome in public, does mischief in private and betrays all that passes at the Council Board. I told both Sir Jonathan Atkins and Sir Richard Dutton as much. I gave you an account in mine of 14th June of another gentleman of the Council born in the Island, and of his disposition. The two Walronds who refused to take the new Councillor's oath, finding that all the rest of the Council had taken it, took it on the 12th July, fearing that I should suspend them if they delayed any longer. They had been tampering with Colonel Newton and Mr. Howell (who were absent at first) to persuade them to refuse it, but they were too worthy to be prevailed on. Henry Walrond then began trifling with the Governor's Commission, but if he had not presently asked pardon as he did, I should then and there have discharged him of his Lieutenant-General's command. This, indeed, I must do at some suitable opportunity, for the truth is that it makes him presume too much on his authority. I know that in doing so, I shall fulfil the Governor's wishes, who warned me beforehand of Walrond, though I know him well enough myself. Sir Richard expected that he would have been more obstructive, but Walrond found me stronger than some others that he has had to deal with. He has tried from time to time to persuade the Governors that they can accomplish nothing in the Assembly without him, and being the worst of trimmers, he had a correspondence with Codrington and other members of the faction of the Assembly. Once he helped a little in getting the Assembly to give the Governor money, but that is the only time I have known him serve any Governor, or, indeed, anyone but himself, or occasionally one of his creditors.

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In my opinion there is an inconvenience in the Governor's Commission, and has so been since August 1672, when the model was first begun, that in case of a Governor's death the Government should be vested in the Council. This was done by Sir Peter Colleton, through his interest with Lord Shaftesbury, who was then Chancellor and President of the Committee of Plantations. The inconvenience has been apparent. On the death of William Lord Willoughby the Government devolved on the Council, and factions were immediately formed therein, which quite forgot the country and everything but their own importance. The Governor's Commission now provides not only that the Government shall be in the Council, but that the senior resident member shall be President. This is dangerous. There are some Councillors, who, if the Presidency should devolve on them, would simply seek for popularity and assent to everything proposed by the Assembly, instead of promoting the interests of the King and Crown. This I can say from my own observation. Heretofore in case of the Governor's death the Government was to be in a Deputy-Governor, and I know that the hope of a Governor's death makes some the more presumptive and troublesome, and it has flushed others so much that they cannot forget their former authority, but think to usurp joint authority with the Governor. This has been the more impressed on me, for they believed that, being one of the Council, I should have increased its power and diminished the Governor's. The Governor warned me against the factious intention of three men, Henry Walrond, Thomas Walrond, and John Peers, the first two brothers, the last two married to two sisters. They do not love one another, but they combine to promote Henry Walrond, and being a third of the Council they become, with a thin attendance of five or six members, a half or even a majority. I write all this for your consideration, whether those men should be continued in the Council. I might cancel Henry Walrond's command as Lieutenant-General (which is agreeable to the Governor's desires), but do not presume to suspend them from Council, nor should think of it except in case of some enormous offence. The two Walronds and Peers command the fortifications of Oistins precinct. I called upon them among the rest of the commanders for an account of their fortifications, their condition, wants, &c. None of the three would ever meet on the business, and the junior commanders of the division, seeing their seniors hang back, were naturally unwilling to act without them. On receiving a second sharp order from me, the juniors met (though not one of these three) and gave me an account, which is the worst rendered in the island, and by their delay made the accounts of the whole division six weeks later than those of the other divisions. The same three gentlemen seldom attend to any business but their own ; they rarely come to Council except to the Chancery, when they are generally engaged in some suit, and I foresee a dispute as to whether the Chancellorship be in the majority of the Council or in the Governor. The Walronds, of course, are for the former, for their own ends. I have already shown you on what reasons they rely, but I beg you to decide this question of juris-

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diction once for all. I shall permit no disputes about it here, though I may suspend judgment till I receive orders from you. I do not yield in these matters to solicitations, though some Governors (since the Lords Willoughby) have preferred to grant unfit things rather than seem disobliging. Sir Richard Dutton knows my resolution to uphold the King's prerogative, and I hope that it will be approved. I cannot affirm the two Walronds to be Whigs, but they are the worst sort of trimmers. They are indifferent what Government rules, so they are but gainers in protection and ambition. I gather from yours that Sir Richard Dutton may not return as Governor, so I sent the names of several gentlemen whom I think best fitted for the Council. 8½ pp. *Holograph, though unsigned.* *Inscribed and endorsed "By Mr. J. Witham."* [Col. Papers, Vol. LI., No. 48, and Col. Entry Bk., Vol. VII., pp. 222–230.]

Aug. 6.
Windsor.

1178. The King's warrant to Sir Thomas Lynch for the appointment of John Bourden to the Council of Jamaica. [Col. Entry Bk., Vol. XCIX., p. 217.]

Aug. 6.
Philadelphia.

1179. William Penn to Lords of Trade and Plantations. I hope that business may be my excuse for my delay in writing. The difficulties in the settlement of six-and-twenty sail of people within a year makes my case exceptional. I hear from my agent that Lord Baltimore has already given you an account of our conference to my disadvantage, so I must write, not only because my silence might be thought neglect, but also to make my defence. First, then, I thought it improper to trouble you about my transactions with Lord Baltimore till they had come to some result, which they had not, for we parted till spring and were then to meet over the heads of our proceedings only. Secondly, Lord Baltimore's narrative was taken by his order without my consent by one of his attendants in a corner of the room. Lastly, when I complained to him of this usage, he promised on his word and honour that it should go no further, and that he had done it only for his own satisfaction. I told him that that mitigated the thing somewhat, but that if he divulged before I saw and agreed to the copy, I should look upon it as a most unfair practice. What to call his Lordship's behaviour I leave to my betters to decide, but the surprise and indigestion of the whole (*sic*) will, I hope, excuse me of neglect or disrespect, for though I am unceremonious I would by no means act the rude or undutiful. I now give a brief narrative of the whole matter, without the weakness and tautology that Lord Baltimore's relation makes me guilty of. As soon as I arrived, on 24th October last, I at once despatched two persons to Lord Baltimore with my respects and neighbourly civilities. While they were on this errand I went to New York that I might pay my duty to the Duke of York in visiting his Colony. Returning at the end of November I found my messengers newly arrived from Maryland, and the time fixed being the 19th December, I prepared myself to go in a few days to that province.

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On the 11th December I came to West River, where I met Lord Baltimore, who took occasion by his civilities to show me the greatness of his power. Next day we had a conference about our question of the boundaries, both at the same table with the members of our respective Councils. First, I presented the King's letter, which consisted of two parts, one that Lord Baltimore had but two degrees, the other that he should begin at Watkin's point and measure the said degrees from thence at sixty miles to a degree. He read it first privately, then publicly, and told me that the King was greatly mistaken, and that he would not leave his patent to follow the King's letter, that a letter could not void a patent, and that by his patent he would stand. This was the substance of what he said from first to last during the conference. I answered that the King might be misinformed, but that I was afraid that mistake would fall of his side, for though his patent begins at Watkins' point and goes to the fortieth degree of north latitude, yet it presumed that point to lie in latitude thirty-eight, else Virginia, which ought to extend to that degree, would be wronged. I assured him, however, that when I petitioned the King for five degrees north latitude and the petition was referred to the Lords of Trade and Plantations, it was represented by some present that Lord Baltimore had but two degrees; upon which the Lord President turned to me who was standing by his chair, and said: "Mr. Penn, will not three degrees serve your turn?" I answered: "I submit the how and what to the Board." To this his uncle, the Chancellor, returned that, to convince me his father's grant was not by degrees, he had more of Virginia granted him, but as this was planted and as the intention was that only unplanted land or land possessed only of savages should be granted, he left it out that he might not forfeit the rest. Lord Baltimore in his narrative takes no notice of this that I remember, but according to that answer he can lay no claim to Delaware, which was bought and planted by the Dutch before the passing of his patent, and therefore could not be granted, and even if it were granted should be forfeited, inasmuch as in the course of twenty years it had not been reduced under the English sovereignty, of which he held it. It was finally reduced by the King, and therefore his own to deal with as he would. Perceiving that my pressing the King's letter was uneasy to him, and being resolved to dispose him with all softness to a friendly arrangement, I waived the two degrees and pressed the next part of the letter only, viz., the admeasurement; for though it were two degrees and a half from Watkins' point to the fortieth parallel, yet let it be measured at sixty miles to a degree, and I would begin at forty, fall as it might. My design was that, every degree being seventy miles, I should get all that was over sixty,—the proportion intended for Lord Baltimore by his patent and the computation there assigned to a degree. Thus he had enjoyed the full favour intended him, and I had gained a great door to the peopling and improving of the province. But this also he rejected. I told him that I acted not from love or need of land but of water, that he abounded in what I wanted and

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had harbour and access even to excess ; that I would not be thus importunate but for the importance of the thing to save a province, and because there was no proportion in the concern. Were I a hundred times more urgent and tenacious, the case would excuse it, because the thing I insisted on was ninety-nine times more valuable to me than to him—to me the head and to him the tail. I added that if it were his and he gave it me, planting it would recompense the favour, not only by laying his country between two thriving provinces, but in respect of shipping. For the ships that come yearly to Maryland for tobacco would have the carrying of the merchandise of both provinces because they can afford it cheaper, and thus Maryland would for an age or two be the mart of trade. This, however, led to nothing ; Lord Baltimore only hoped that I would not insist on these things at the next meeting. After three days we parted and I returned hither.

When the spring came I sent to ascertain the time and place of our meeting to settle the business. I followed close on my messenger that no time might be lost, but his expectation of a visit from Lord Culpeper twice disappointed our meeting till the month called May. He then sent three gentlemen to appoint a meeting at the head of Chesapeake Bay. I was then in treaty with the Indian Kings for land ; but three days after, we met ten miles from Newcastle (which is thirty from the bay), where I entertained him as well as the resources of the town would permit at such short notice, and, finding himself desirous only of speaking with me in private, I suggested that we should sit with our Councils at different lodgings and treat by written memorials, which would prevent any abuses from ill-design or ill-memory. He avoided this, saying that he was not well, that the weather was sultry, and that he would return as soon as he could, reserving any other treaty to another season. And so for that time we parted. I had before been told by divers that Lord Baltimore had issued a proclamation inviting people, by lower prices and larger grants of land, to plant in the lower counties, in which the Duke's goodness had interested me as an inseparable benefit to the whole province. I was unwilling to believe it, but being in haste I omitted to ask him ; but I had not been long returned when two letters came from two Judges of the County Courts that such a proclamation was abroad, that the people abhorred to hearken to it, but yet prayed my directions. I bid them keep their ground and not fear, for the King would be judge. I then sent three of my Council with its clerk to Lord Baltimore. As they went, they got an authentic copy of the proclamation from one of the sheriffs, to whom an original had been directed ; but as the last civility that I could yield to Lord Baltimore, I forbade them to seem to believe anything but what came from his own mouth. Thus they delivered my letter. At first he denied any such proclamation and, turning to two of his Council, asked them if they remembered any such thing. They also denied it ; whereupon my messengers produced the authentic copy. This refreshed their memories and they remembered that there was such a proclamation, but Lord Baltimore

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said that it was his ancient form, and that he did it only to renew his claim, not to encourage any to plant there. They then begged him to recall it lest trouble should ensue, but he refused. This was during a civil treaty, without any demand made, after the place had been for many years in the peaceable possession of the Duke. What to call such behaviour I leave to my superiors. As to Lord Baltimore's claims to those parts, I have given instructions to my Agents who, I hope, will not be able to detect weakness or inconsistency in them. This is a true narrative of my business with Lord Baltimore. As I have sent an Agent to the King and his Ministers on the affairs of the province, I shall hint only at two or three things at issue between myself and him as to finding the fortieth parallel of latitude. 1. I have common fame backed by long experience on my side, that the fortieth parallel lies about Pool's Island. Lord Baltimore does not deny it; the country acknowledges it, and I can adduce the testimony of some able captains of ships. 2. If this was an error, it was grounded on such skill and such instruments as gave standard at the time when his patent was granted, and if he has got upon Virginia by that error, he should not get upon me by an exacter knowledge, considering that Carolina, which is bounded by degrees, would encroach as much upon Virginia, if the reputed latitude of unprejudiced times were rejected. If Carolina advances her bounds by new observations beyond the place generally accepted for latitude $36\frac{1}{2}$, Virginia must lose, for she cannot encroach to the same extent on Maryland, which is bounded by certain places. 3. I therefore beg to be judged by the standard of ancient times, by which persons so far from America as in England have governed themselves; or that, if it be allowed that Lord Baltimore had not his grant by degrees, then the degree may be computed at the old rate of sixty miles, so that I may not lose the benefit of admeasurement from Watkins' point (whatever its latitude) to the fortieth parallel. I have only to add that the province has a prospect of extraordinary improvement, not only of English subjects but by foreigners; that we have the greatest veneration for the King's authority; and that I have taken the Bishop of London's advice in buying, and not taking land from the natives. I am on very good terms with them. Thanks for many favours, which bind me the more to obedience to your commands. *Signed, Wm. Penn. 6 pp. Endorsed. Recd. 12 Feb. 1683-84. [Col. Papers, Vol. LI., No. 49.]*

Aug. 8.
Barbados.

1180. Deputy Governor John Witham to [Sir Leoline Jenkins]. I thank you for the high favours you have bestowed upon me. The King may rely upon my loyalty and faithful service. I am striving to restore the dignity of the Government which was much impaired by Sir Jonathan Atkins, who was ever afraid of offending the Assembly. *Holograph. Signed. 3 pp. Endorsed. [Col. Papers, Vol. LI., No. 50.]*

Aug. 8.
Barbados.

1181. The same to the Lords of Trade and Plantations. I have obeyed all your directions, and added some matters not mentioned

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in your scheme of enquiries, not from presumption but from zeal.
Holograph. 2 pp. *Inscribed and endorsed.* Recd. 10 October
 1683. [Col. Papers, Vol. LI., No. 51, and Col. Entry Bk., Vol. VII.,
 p. 208.]

Aug. 10.

1182. Warrant of the Commissioners, appointed to inquire into the forfeiture of Lord Culpeper's patent, to the Sheriff of Middlesex to produce twenty-four jurors. Names of the jurors. 1½ pp. [Col. Entry Bk., Vol. LXXXII., pp. 112, 113.]

Aug. 12.
Windsor.

1183. The King to the Government of Massachusetts. Ordering them to seize interlopers who are found trading within the bounds granted by the Charter of the Hudson's Bay Company. *Countersigned,* L. Jenkins. 1 p. [Col. Entry Bks., Vol. LXI., pp. 187, 188, and Vol. XCIX., p. 218.]

[Aug. 13.]

1184. Petition of Edwyn Stede to the King. Eleven years since received a patent for the office of Provost-Marshal of Barbados which he has duly executed ever since in person or by deputy; but of late has been so much afflicted with gout that he cannot perform the duties without the help of his Deputy, George Hannay. Prays that the surrender of the patent may be accepted and granted to George Hannay. *Written below:* A reference of the above petition to the Lords of Trade and Plantations for their report. Windsor, Aug. 13. *Signed,* L. Jenkins. *Inscribed above:* Reported 25 August 1683. 1 p. [Col. Papers, Vol. LI., No. 52, and Col. Entry Bk., Vol. VII., p. 188.]

Aug. 13.
Nevis.

1185. Deposition of Thomas Phips taken before Sir William Stapleton. An account of the capture of the ship Thomas and William of London by the pirate La Trompeuse and of the subsequent cruise of the pirate on the Guinea coast. *Copy.* *Certified by T. Boffenton.* 5 pp. [Col. Papers, Vol. LI., No. 53.]

Aug. 13.

1186. Duplicate of foregoing. [Col. Papers, Vol. LI., No. 54.]

[Aug. 14.]

1187. Petition of Planters and Merchants of Jamaica to Lords of Trade and Plantations. In November 1680 you appointed the Royal African Company, by their own consent, to supply us with negroes at eighteen pounds a head. The Company, thinking the price too small, has since desisted from furnishing negroes, to the prejudice of the King's customs and of the Island. Petitioners pray that the matter may be considered and dealt with. *Signed,* Wm. Coward, Ransford Waterhouse, Wm. Beeston, John Bathurst, Saml. Nash, Wm. Sweeting. 1 p. *Endorsed.* Recd. 14 Aug. 1683. Read 17th and 31st. Copy sent to the Company on the 21st with notice to attend on 31st. [Col. Papers, Vol. LI., No. 55, and Col. Entry Bk., Vol. I., pp. 94, 95.]

Aug. 15.
Nevis.

1188. Sir William Stapleton to Lords of Trade and Plantations. Captain Carlile, being ordered by me to cruise for the pirates, has lately met with the Trompeuse (not as vulgarly called Trampouse)

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in St. Thomas's harbour and burned her. Had she been well manned she would have got off. This is the ship that took seventeen ships on the coast of Guinea, and killed and tortured many English subjects, yet she is protected by the Government of St. Thomas, which is worse than the pirates themselves. It harbours them, mans them, and victuals them. The Governor has ejected the rightful Governor, his own brother. I mean rightful in respect of his commission from the Danish King. This Governor has none; the last was as bad as he is. If I might have the liberty, I would blow him out of his fort if he refused either to hang the pirates or to deliver them up for punishment. No punishment can be invented severe enough for such villains. Captain Carlile goes this very day to look for one Cooke and one Bond, two English pirates fitted from St. Thomas. I have furnished him with men and powder lest he should be overpowered. I hope that you will bear me out herein, and that my actions may be construed by my intentions. The pirates are well manned, and may be desperate if they meet not with such a receptacle as St. Thomas, which they cannot in any inhabited place this side of the tropics, indeed, I believe, this side of Sallee and Algiers. You shall have the affidavit of an Englishman who was taken by this pirate shortly. Captain Carlile is a brave discreet young commander, fit object of your esteem. If he had had a better ship he would have got another for the King in that action. There is more need of such in the Leeward Islands than in any other Government, with their mixture of Spanish, French, Danes, Dutch and Indians. I beg for double the five barrels of powder supplied to Captain Billlop, and the six supplied to Captain Carlile; they are worth more than twenty-two barrels here, where I pay 6*l.* 5*s.* a barrel. Forgive me if I remind you again of the arrears due to myself and the soldiers. *Holograph.* 1½ pp. *Endorsed with a long précis.* Recd. 13 Oct. Read 13 Nov. 1683. [Col. Papers, Vol. LI., No. 56, and Col. Entry Bk., Vol. XLVII., pp. 102–104.]

Aug. 15.
Nevis.

1189. Sir William Stapleton to the Governor of St. Thomas. I am sorry that your late conduct has convinced me and all the world that the reports of your being a protector of pirates were true. I have affidavits to that effect from some you had on shore, and from the pirates themselves. It is plain from the fact that you secured John Hamlin, the arch-murderer and torturer, and neither tried him nor delivered him to Captain Carlile, but allowed him to escape. I now conjure you to deliver him up to Captain Carlile. The King of Denmark will not protect you, who are an usurper against my master. He sent the Ruby, a powerful ship, in pursuit of Hamlin, under the command of Captain Carlile, who burnt the Trompeuse at St. Thomas. You said that ship was a frigate of your master's; we now know that Hamlin was in possession on the night when she was burnt, and that so far from confiscating her you had received him kindly. If you do not deliver him or make some atonement for the injuries you have inflicted on the English, I warn you, have a care. I shall come

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from the Leeward Islands with an armed force, blow you up as quickly as the Trompeuse, and pound any pirate that you may have fitted out. If you have a spark of honesty in you, restore to me the sloop and runaway servants that I have already claimed ; and I promise that if you comply I will befriend you and yours in anything that you may desire of me. *Signed*, Wm. Stapleton. *Copy. 1½ pp. Endorsed.* Recd. 13 Oct. 1683. [Col. Papers, Vol. LI., No. 57.]

Aug. 15.

1190. Deposition of John Gould. Attesting the facts that the Trompeuse was warmly received by the Governor of St. Thomas on her arrival ; that the plunder was lodged in the Castle ; that Captain Hamlin was on board of her on the night when she was burned ; and that he was sent out from the Castle by the Governor with an armed party and a boat. *Certified by Sir William Stapleton. 1 p. Endorsed.* Recd. 13 Oct. 1683. [Col. Papers, Vol. LI., No. 58.]

Aug. 16.

1191. Inquiry into Lord Culpeper's neglect of his government, declaring it to be forfeited by his absence without leave. *Latin. [Col. Entry Bk., Vol. LXXXII., pp. 114-118.]*

Aug. 16.
Jamaica.

1192. Order from Sir Thomas Lynch to Thomas Martin, the King's Receiver-General. To prepare an exact account of the Revenue to be laid before the Assembly on 5th September ; to have the accounts ready for the Governor and Council every six months, on 23rd June and 23rd December, such accounts to be examined and signed by the Deputy Auditor-General, and when passed by the Governor and Council to be remitted in copy to Mr. Blathwayt, the Auditor-General, for the Lords of the Treasury ; also to keep exact accounts for the future of all receipts, payments, credits, and debts. *Signed, T. Lynch. 1 p. Endorsed.* [Col. Papers, Vol. LI., No. 59.]

Aug. 17.

1193. Journal of Lords of Trade and Plantations. Order for commission and instructions to be prepared for Lord Howard of Effingham as Governor of Virginia.

Two letters from Mr. Cranfield of 20th February and 19th June read (*see Nos. 954, 1129*). The Lords agree to advise that the suspension of Waldern, Martyn, and Gillman be approved, and that Messrs. Elliott and Fryer be appointed to the Council of New Hampshire in their place ; that Edward Gove be continued in the Tower, and that the ship which takes Lord Howard to Virginia touch at Boston ; also to recommend that Governor Cranfield's leave of absence be granted, and that Mr. Randolph proceed to New England with copies of the King's declaration as soon as may be.

Edwyn Stede's petition read (*see No. 1184*). Agreed to recommend the grant of his office to George Hannay. Sir Richard Dutton's paper of proposals read and reserved for further consideration. The question of appeals to be considered on an early day.

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Sir William Stapleton's letter of 15th June read.

Petition of Richard Brayne read (*see No. 1164*). Agreed that it be referred to Sir Thomas Lynch for report. Petition of merchants of Jamaica against the African Company referred to the Company for reply (*see No. 1187*).

Memorandum of letters sent and received. [Col. *Entry Bk.*, Vol. *CVII.*, pp. 177-186.]

Aug. 17.
Council
Chamber.

1194. Lords of Trade and Plantations to the King. In consequence of Governor Cranfield's displacement of Messrs. Waldern, Martin, and Gillman from the Council (*see ante, No. 1024*), we recommend Messrs. Fryer and Elliott to be appointed in their place [Col. *Entry Bk.*, Vol. *LXVII.*, pp. 93, 94.]

Aug. 17.

1195. Proposals of Sir Richard Dutton concerning Barbados.

(1) The Governor needs instructions as to allowing appeals from Barbados to England, and (2.) as to the appropriation of the fines at Grand and Quarter Sessions, whether to the King, to the country, or to the expenses of Sessions. (3.) The Statute Laws of England are irregularly received according as each person finds them to his advantage. I beg instructions. May I be permitted to make a collection of the most suitable laws and add them by Act to the laws of Ireland? (4.) The law which secures all owners of ten acres of freehold from arrest should be repealed. It is obsolete and unjust. (5.) The Records of the Courts are often embezzled by the clerks, who are constantly changed and frequently dishonest. I beg for power to appoint a *Custos Rotulorum* to whom the records of all the Courts may be sent annually, and suggest Richard Seawell, the Attorney-General, for the office. (6.) By the dearness of all things in Barbados my expenses are greater than those of any other Governor. I beg that my salary may be raised to 2,000*l.*, whereby I shall depend entirely for support on the King. (7.) To save the King at least 2,500*l.* a year I beg for a yacht instead of a frigate to attend me to Barbados. She would be twice as useful as a frigate in every respect, while frigates have to go to Jamaica and Virginia to careen. (8.) We want forty guns for the armament of our forts. (9.) We supplied the King's frigates with sixty barrels of powder, and should be glad if it were repaid. (10.) I beg that my brother John Dutton may be approved as Naval Officer of Barbados, that I may submit his name to the King. (11.) We are in great want of white servants. Would the King grant us some from Scotland, as we find by experience that they are the best? (12.) I beg for extension of my leave to the end of November. *Holograph by Dutton.* Unsigned. 1½ pp. Inscribed. Read 1 December 1683. [Col. *Papers*, Vol. *LI.*, No. 60, and Col. *Entry Bks.*, Vol. *VII.*, pp. 211-214, and 217-220, and Vol. *CVII.*, pp. 182, 183.]

[Aug. 18.]

1196. Forms of the Oaths of a Councillor of Barbados, as taken on the 28th October 1672, the 7th March 1680, and the 18th August 1683. *Endorsed in the handwriting of John Witham.*

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$1\frac{1}{2}$ pp. [Col. Papers, Vol. LI., Nos. 61, 61 i. A copy of the Oath of 7th March 1680, with date altered to 10th May 1683, is in Col. Entry Bk., Vol. VII., pp. 207-208.]

Aug. 17.
Council
Chamber.

1197. Report of Lords of Trade and Plantations to the King. Recommending that a copy of the petition of Richard Brayne (*see ante*, No. 1164) be sent to Sir Thomas Lynch, with orders to call both parties before him and report to the King. [Col. Entry Bk., Vol. XXX., p. 163.]

Aug. 18.
Jamaica.

1198. Governor Sir Thomas Lynch to the Governor of Havana. I wrote by a ship bound for New York and England, and desired them that if you had any prisoners they might be put on board; also, that you would be pleased to inform me if divers pirates in *barcos luengos* and *piraguas* had any orders or commissions to rob and murder the King's subjects as they do. I wrote by the same ship to Don Gaspar de Montes de Oca, and ordered the bearer of my letter to acquaint him of the design of the pirates against Vera Cruz. Whether he was permitted to see Don Gaspar and present his letters I know not. One of our men-of-war at St. Domingo demanded Vanhorn as a rebel and a pirate, to bring him here, where he would have received the reward due to such ruffians; but the President thought fit to protect him; and afterwards released him, having taken twenty thousand pieces of eight from him on pretence of the six patararoes he took in Spain. Notwithstanding this, Don Juan de Castillo, Maestre de la Plata, having come here from St. Domingo, was permitted by me to hire a sloop for his conveyance to Mexico. In April, Don Juan was put ashore at Campeachy for fear of a privateer. She proved to be an *armadilla* commanded by Don Juan la Cundia, who barbarously fired on Don Juan and forced him to fly into the woods, and plundered the sloop of all she had on board. At Campeachy they kept the seamen in irons twenty-six days, during which time Don Juan was lost and like to have perished. In this way my letter to the Viceroy failed to reach him in time. The master of the sloop has had no satisfaction for his loss of eight hundred pounds, but was sent back to the President of St. Domingo, because Don Juan la Cundia is friend and kinsman to the Governor of Merida. This action led to the loss of Vera Cruz, for apart from the information in my letter, Don Juan de Castillo knew everything, and could have reached the town before the pirates, if the avarice and injustice of this captain had not prevented him. The English King's men-of-war have always protected all merchants of your nation that they have met with. All that have been sent or driven hither have been treated humanely; no force has been put on them, nor presents received from them. I have freed several from pirates and transported them to their homes. I have at my own charge chased out of these Indies all the pirates that prey on us or on your nation. I have done all in my power to serve the Spanish nation. I have ordered a frigate to cruise off St. Domingo, for if Laurens had not killed Vanhorn, he had resolved on an attempt

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to destroy the city, to be revenged on the President for his twenty thousand pieces of eight; and I have now written to Don Thomas Fonseca that I will send a frigate to St. Jago if the new Governor be arrived and desire it, for the French mean to take revenge for all that Juan Corso has done ashore by your commission. I suppose you know that it imports the whole Indies, both ours and yours, that St. Domingo and St. Jago should not be lost, and that there can be no pretence of trade, for both these cities are ruined and exceeding poor. For all this I have received neither thanks nor civility, nor have the English received any privilege. Not one of our ships, that the Spaniards meet with, will they fail to take and plunder if they can. Not one Governor has given us satisfaction even for the most notorious injury, but has referred our complaint to Spain.

(1.) About ten years ago a ketch of mine, with about one hundred negroes, was taken on the high seas and brought into Cartagena by two *barcos luengos* of the Spanish King's; and because they could not condemn her then they remitted the cause to Spain, where, without the knowlege of our ambassador, she was confiscated to the Assentistas, and the proceeds, eighteen thousand pieces of eight, about half of her value, were employed in the payment of the garrison. Thus your King owes it to me, and I hope he will repay it, or that our King will grant me letters of marque. (2.) Since that time the Spaniards have damaged our honest merchants here to the amount of 25,000*l.* I could produce a list, but I confine myself to what has happened since my return to Jamaica. (3.) On my arrival I sent to demand from the Governor of Cartagena a vessel with her cargo that was stolen away from hence. The Governor aforesaid received and sold all, and sent me word that the matter was one which must await orders from Spain. He gave me the same answer four months ago. (4.) The President of St. Domingo protected Vanhorn against all the rules of justice and prudence. (5.) An English frigate is now on the coast of the Maine to demand a boat belonging to a vessel in distress, which came to beg help at Santa Martha and was seized there. (6.) This present frigate is now on her way to St. Jago to demand some fugitive slaves which the Governor keeps in his house, also an English ketch which was seized by the French at Salt Tortugas, and brought in under your commission to St. Jago. The English were kept till they were almost starved, and then sent away naked and without their ketch. This is contrary to treaty, for the English had committed no fault. (7.) But what concerns the justice of his Catholic Majesty is the issue of commissions to such pirates and thieves as Juan Corso. They are strong desperate rogues, who, having no houses, friends, or relations, can give no security, but rob and murder all they can master, taking ships in the high seas at Caimanos, which is ours, or the Cays where no Spaniards live or come. All this is contrary to treaty, as is also the seizure of ships carrying *frutas de las Indias*, for we have abundance of the produce of the Indies, or can get it from Curaçoa. (8.) This Juan Corso, or some such villians, have killed Captain Prenar,

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pretending to come to trade with him in a canoe. (9.) He or some others came aboard one Bodeler and one Wall, when at anchor in an uninhabited bay, killed both of them and several men, and carried the sloops to St. Jago. (10.) The same surprised Captain Banden Claus in an uninhabited bay, and tortured the men to make them confess that they were trading. The Governor, bribed by a share, condemned her. (11.) These pirates constantly rack their prisoners, and the Governors make no effort to stop it. (12.) Corso having captured an English boat with four men, killed one with his own hand because he was sick. (13.) He or others have lately taken a vessel bound for New Providence without cargo. (14.) He has often declared that he will serve us as he served the French, and threatens to come and take negroes from the north side of Jamaica. This is a part of my complaint, set forth in detail, that you may remedy it. I do not pretend to trade, and we have no ships on the coast, though your special friends the Dutch have two, of twenty and thirty guns. The General and every Commander at the sack of Vera Cruz was of that nation, so you owe that calamity to the Dutch and to yourselves. Your treatment of Juan Corso will make all dissolute people break out in spite of all that I can do. If I have been guilty of any breach of the peace or treaty, I am content to receive the greatest punishment in the world, the displeasure of the King my master. Any of your subjects that are aggrieved can obtain redress here; and I cannot but think it would be well if the King of Spain would send out a resident to see the peace kept and justice done, instead of Governors that are neither civil or to be communicated with. If I could send, or you could receive, anybody at Havana, I could much strengthen my case against Juan Corso. (15.) Two of these same people off the Isle of Pines, took two poor New York men, made away with one and robbed the other. They then went into your port, but I know not if you have heard of them or punished them. In future I shall take it as a public violation of the peace and a tacit declaration of war if (1) our honest traders are seized on the high seas, or fishing at the Cays or Caimanas, (2) or murdered, (3) or tortured; (4) if bearers of despatches be seized on their way home through the gulf or robbed; (5) if you give negroes orders to seize our vessels that carry produce of the Indies, for all our ships are laden with it. *Copy. 8 pp. Inscribed. Recd. 26 Nov. 1683. [Col. Papers, Vol. LI., No. 62.]*

Aug. 18.

1199. Spanish version of the foregoing. 6 pp. *Endorsed as the other. [Col. Papers, Vol. LI., No. 63.]*

Aug. 18.
Plantations
General.

1200. Presentment of the Commissioner of Customs, (1) for instructions to be given to the Governors of Colonies to take care that all masters of vessels produce their certificates of bonds to the King's Collector as well as to the Naval Officer before they are permitted to load any of the enumerated commodities; (2) for instructions to be given to the Patentees of the Customs officer in Ireland, to send returns of ships clearing for the Colonies, with full

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description thereof, and all ships entering from Colonial ports. *Signed*, G. Downing, Ch. Cheyne, And. Newport, Rich. Temple, N. Butler. *Copy*. 5 pp. *Endorsed*. Read in Council 12 December 1683. [Col. Papers, Vol. LI., No. 64, and Col. Entry Bk., Vol. XCVII., pp. 96-100.]

Aug. 18.
Montreal.

1201. Monsieur Brucy to Major Baxter, commanding at Orange. I hear from Sieur Salvage that you are resolved to bring certain French vagabonds to justice, among others one Villeroy, at present in your territory, who has carried off a considerable sum of money, as you will see by a certified copy signed by the General. I beg you therefore to see justice done. *Signed*, Brucy. *Subscribed in a different hand*: This money was paid by my orders. 1½ pp. *With address, endorsement, and seal*. [Col. Papers, Vol. LI., No. 65.]

Aug. 18. **1202.** Petition of Sir John Hoskyns to the King. Praying for a license to plant the islands of Trinidad, Ascension, Maria d'Agosta, Isla di Martin, Var et dos Picos, situate between latitude 18° and 23° south. *On the margin*: Order of the King referring the petition to Lords of Trade and Plantations. Windsor, 18th August 1683. *Signed*, Sunderland. *Endorsed*. Recd. 23 August. Read 30 Oct. 1683. 1 p. [Col. Papers, Vol. LI., No. 66.]

Aug. 20. **1203.** Pass for Edward Randolph to New England. [Col. Entry Bk., Vol. XCIX., p. 219.]

Aug. 20. **1204.** Order of the King in Council, directing the opinion of the Attorney-General on the petition of the inhabitants of Bermuda (*see ante*, No. 1109) to be sent to the Lords of Trade and Plantations for their report on the whole matter. *Signed*, Sunderland. [Col. Papers, Vol. L., No. 117.]

[Aug. 20.] **1205.** Petition of Samuel Trott to the King. Respecting the loss of his boat through the violence of John Hubbard, Sheriff of Bermuda (*see ante* No. 840), and requesting satisfaction from the Company. *Inscribed below*: Order in Council referring the above to the Lords of Trade and Plantations for report. Windsor, 20th August 1683. *Signed*, Sunderland. 1 p. [Col. Papers, Vol. LI., No. 67.]

Aug. 21. **1206.** Mr. Blathwayt to the Deputy Governor of the Royal African Company (Sir Benjamin Bathurst). Enclosing copy of the petition of the planters of Jamaica concerning a supply of negroes. [Col. Entry Bk., Vol. I., p. 96.]

Aug. 23-24. **1207.** Three certificates of Thomas Hinkley as to the limits of Narragansett river and the Narragansett country. ¾ p. *Endorsed*. Recd. from Mr. Hinkley, 4 June 1684. [Col. Papers, Vol. LI., No. 68.]

Aug. 24. **1208.** Journal of Lords of Trade and Plantations. Business of Lord Howard's Commission. The clause for the election of burgesses

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to be altered so as to run thus, "of the inhabitants being freeholders or planters within the Government." A clause for pardon of plant-cutters to be added, Lord Culpeper's proclamation of pardon being *ultra vires*. A clause to validate the Acts of Council, Lord Culpeper having, contrary to his instructions, appointed Mr. Spencer, President, to act in his absence instead of Mr. Bacon. The seventh clause to be amended. Clauses ordering the Governor to take account of public money, and to report as to his predecessor's management. (*Mem.*—This latter to be a standing instruction in future to all new Governors of Colonies.) The question of quit-rents to Lord Culpeper referred to the law officers. The Lords note that Lord Culpeper received from the Assembly 500*l.* out of the two shillings per hogshead duty, which was not the Assembly's to dispose of. The instructions respecting appeals to be referred to the law-officers; that concerning a cessation of planting to be omitted. The salary of 2,000*l.* to be continued to Lord Howard; but in lieu of 150*l.* for house and plantation, he shall be allowed the rent of a house till a house be built for the Governor. Lord Howard to propose this building to the Assembly in order to raise the necessary funds, and to send home a model of the house.

Memorandum of documents received. [Col. *Entry Bk.*, Vol. *XCVII.*, pp. 187–191.]

Aug. 24.
Council
Chamber.

1209. [William Blathwayt] to Lord Culpeper. Calling for a particular account in writing as to the manner in which he has complied with his instructions. [Col. *Entry Bk.*, Vol. *LXXXII.*, p. 121.]

Aug. 24.
Sept. 3.
Petit Gouaisne.

1210. The pirate, Laurens, to Governor Sir Thomas Lynch. I am much obliged for your civility, and thank you for the honour which you have been pleased to do me without any merit of my own. I beg you to believe me the most humble of your servants, and to employ me if there be any place or occasion in which I can be of service to you. You will see how I shall try to employ myself. If by chance I should go to your coast in quest of necessities for myself or ship, I beg that my interests may be protected and no wrong done me, as I might do so if the opportunity presented itself for doing you service. Begging you to do me this favour, I remain always your most humble and affectionate servant DE GRASSE. *Holograph. French. 1 p. Endorsed. Reed. 26 Nov. 1683. [Col. Papers, Vol. LI., No. 69.]*

Aug. 25
Windsor.

1211. Order of the King in Council. That the petition of Richard Brayne (see *ante*, No. 1164) be sent to Sir Thomas Lynch for his report. [Col. *Entry Bk.*, Vol. *XXX.*, p. 164.]

Aug. 25.
Windsor.

1212. Order of the King in Council. Report of the Lords of Trade and Plantations recommending that the petition of Edwyn Stede (*ante*, No. 1184) be granted. Ordered accordingly. Secretary Jenkins to prepare the necessary warrant. 1 *p.* *Endorsed. [Col. Papers, Vol. LI., No. 70, and Col. Entry Bk., Vol. VII., p. 189.]*

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Aug. 25.
Windsor.

1213. Order of the King in Council, approving the drafts of two letters to Sir Richard Dutton and Sir William Stapleton. *Draft of the letter follows:*—The King to Sir Ralph Dutton. By our letter of 18th March 1680 to Sir Jonathan Atkins, we signified to you that, by proclamation and by letters we had commanded all Governors of our Colonies that no interlopers should be admitted from the coast of Guinea. We were then informed not only that no attention had been paid to our orders, but that obstruction had been offered to the officers and factors of the Royal African Company, to the contempt of our charter and the loss of the Company, which, as it maintains the forts on the coast, should have the advantage of the trade. We therefore instructed Sir Jonathan Atkins to support the Company and enforce the law against interlopers, and called on all our officers, naval and military, to assist him. Nevertheless, we learn that you also, since your entrance in the Government, have not been very active in redressing the grievances of the Company, alleging that you require our particular instructions on that behalf. We now enjoin upon you strict observation of our instructions of March 1680, particularly of that which requires of you from time to time an account of those who have opposed the agents of the Royal African Company in the execution of their duty; the rather for that we hear that there are some, whose position of authority should have made them more dutiful, who have been offenders. We look for greater diligence from you in these matters in future. *Signed, Phi. Lloyd.* 2 pp. [Col. Papers, Vol. LI., No. 71, and Col. Entry Bk. (letter only), Vol. VII., pp. 190–191.]

Aug. 25.
Windsor.

1214. Order of the King in Council. That the following letter, addressed to the Governor of the Leeward Islands, be prepared for the Royal signature:—On 18th March 1680 we acquainted you of the complaints made by the Royal African Company of violence offered to their factors and agents by the inhabitants of Nevis, and ordered you to give greater assistance to the Company. We are glad to see that you have obeyed our orders, but the complaints of the Company still continue against the malpractices of interlopers. In our former letter we told you that by information that we had received we understood that Charles Pym, John Eddy, Philip Lee, and Joseph Jory had assisted Richard Cary and Robert Belchamber to land a number of slaves, and had violently opposed the Company's agents; also that a servant of the Company's had been murdered. We desired you to inquire into the case and prosecute these persons, and we now repeat that order, and require a report from you. *Signed, Philip Lloyd.* [Col. Papers, Vol. LI., No. 72.]

Aug. 25.
Windsor.

1215. Order of the King in Council. That the answer of the agents for Massachusetts to the petition of Robert Orchard, and his rejoinder, be referred to the Lords of Trade and Plantations for report. *Signed, Phi. Lloyd.* $\frac{1}{2}$ p. *Endorsed.* Rec. 31 Aug. Read 3 Nov. 1683. [Col. Papers, Vol. LI., No. 73.]

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Aug. 28.
Barbados.

1216. Deputy Governor Witham to [Sir Leoline Jenkins]. The matters detailed in the enclosed came to my knowledge on the arrival of Captain Waffe. I am completing the returns in reply to your queries. *Holograph.* 1 p. Annexed,

1216. i. An account of the pirates on the Gold Coast. Two days ago arrived one John Waffe, commander of the ship Eaglet in the Royal African Company's service, from Arder in Africa. He told me that the great pirates that plundered so many ships bound for Jamaica are now on that coast, that at the latter end of May, while making Cape Lopus, he perceived two ships making towards him. The night following he thought he had lost them both, but in the morning he found one to windward and one to leeward of him. It was nearly six at night before the windward vessel came up with him. The commander owned himself a Jamaican, and said he had a good plantation there. They robbed him of all his gold, near 500*l.* in value, of some of his provisions, and many of the ship's stores. The pirate bade him shift for himself in the night, saying that the other was a Frenchman who would take all he had. This I suppose to be the Trompeuse, a great pirate. Waffe tells me further that these two pirates have passed from the Castle of Coromandel all along the coast to Cape Lopus and he believes have not missed a ship of whatever nation except a Spanish interloper from Cadiz, on which was one Peirson, formerly an agent of the African Company in Guinea. This ship had forty-six guns and one hundred and twenty men, so they durst not attack her; but the pirates told Waffe that they had got more men, and intended to clear the coast a second time, and doubted not to capture this Spaniard. They will not own their names, and punished one of Waffe's sailors who asked the pirate captain's name. They stretched Waffe and his officers, and put screws on their thumbs to make them confess what gold they had. The pirates admitted that since they had been on the coast they had made thirty pound weight of gold a man, and offered 100*l.* a month to any of Waffe's seamen to join them, or else 50*l.* down and their chance of shares in future captures; but the men were too honest. The pirates said that, their hands being in, they must go through with it, and intended for the East Indies, and, if they could, for the South Sea. One interloper, of sixteen men, resisted them at Old Calabar. They took her, rifled her, nailed some of the men under hatches and tied the rest to the shrouds, to let the vessel go ashore and the men perish in that manner. The greatest of the pirates has thirty guns and one hundred and twenty men; the other has twenty-four guns and seventy men, but they hope to increase their crews, and when they meet with a fitting ship to

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make her a third consort. *In the handwriting of John Witham. 2½ pp. Endorsed. [Col. Papers, Vol. LI., Nos. 74, 74 i.]*

- Aug. 28. **1217.** Deputy Governor Witham to Lords of Trade and Plantations. I enclose returns of baptisms, marriages, and burials taken from the parish registers for one year. There are many quakers and other separatists whose marriages and burials are never brought to the notice of our ministers, and whose children are never baptised. Though their numbers are considerable, it is impossible to give any account of them. I have almost finished the parish list of householders, men able to bear arms, &c., and the militia, horse and foot. *Holograph. 1 p. Endorsed. Recd. 31 Oct. 1683. [Col. Papers, Vol. LI., No. 75, and Col. Entry Bk., Vol. VII., p. 209.]*
- Aug. 28. **1218.** Minutes of Council of Barbados. Order for payment of rebate of wine duty to Joseph Grove, merchant.
- Aug. 29. John Doughty took the oath of office as Solicitor-General. Thomas Walrond was absent from the Council without reason assigned.
- Aug. 30. "The Council fell upon the business of the day." Henry Walrond absent without reason assigned. *[Col. Entry Bk., Vol. XI., pp. 584a-586a.]*
- Aug. 29. **1219.** Benjamin Baruch Carvallo to Sir Thomas Lynch. Curaçoa. Describing how he left Jamaica in a ship commanded by Captain Robert Glover on 30th June, how they were taken off Curaçoa by a Spanish vessel with a commission from the Governor of Havana, and how they were cruelly treated, tortured, and robbed by these pirates, for which he craves the Governor's help for redress. *Holograph. 2 pp. Spanish. Endorsed, "The Jew's letter about his cruel usage at Curaçoa by Spanish pirates." [Col. Papers, Vol. LI., No. 76.]*
- Aug. 29. **1220.** The Governor of Curaçoa to Governor Sir Thomas Lynch. Sept. 8. On the 19th a Spanish *barco luengo* came to anchor here in Castle Caracas bay. The captain, Augustin Alvares, informed me that he Amsterdam, has in his ship a Jew called Benjamin Carvallo whom he captured Curaçoa. from an English barque. He justifies himself on pretence that Carvallo used to call himself a Christian, and has obliged the Jew to pay him ransom of twenty-two thousand pieces of eight. I was much troubled, and sent officers to examine the matter. Alvares has a commission from the Governor of Havana, and refuses to submit to our jurisdiction in this case. The friends of the Jew have prayed me much to adjust the matter, and it is now adjusted for three thousand five hundred pieces-of-eight. The Jew then claimed compensation for loss of merchandise laden in the ship at Jamaica, but the agreement having been settled, he spoke too late. I have, however, restored the English barque to its owner, and shall send a barque to Havana to complain, which will first wait on you

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to procure your assistance in extirpating all evil. *Signed*, Joan van Epelun. *Holograph*. 2 pp. *Endorsed*. Recd. 26 Nov. 1683. [Col. Papers, Vol. LI., No. 77.]

Aug. 29.

Whitehall.

1221. Order of the King in Council. On petition of Robert Wedleigh, attorney for Jeremy Walford and John Amazeen, praying for an early hearing of George Walton's appeal; Ordered, that the same be referred to Lords of Trade and Plantations for report. *Signed*, Phi. Lloyd. $\frac{1}{2}$ p. *Endorsed*. Recd. 12 Nov. Read 13th Nov. 1683. Dismissed by default of the appellant, 22 Jan. 1683-84. [Col. Papers, Vol. LI., No. 78, and Col. Entry Bk., Vol. LXVII., pp. 97, 98.]

Aug. 30.

Nevis.

1222. Sir William Stapleton to Lords of Trade and Plantations. On the 18th instant I received yours of 25th May. Your orders shall be obeyed as soon as the hurricane season permits. I sent the original of the King of Denmark's letter to the Governor of St. Thomas as soon as I received it, and that directed to the commander there. The lawful Governor, Nicholas Esmitt, has been ejected by his brother Adolph by the little "mobile" of 150 men there. The successor to them both, Jory Everson, is not yet arrived. The difference between Captain Billop and myself is no other than in vindication of my duty, and it is something like the difference that I have with the pirates and the present Governor of St. Thomas. I can see little difference between their acting and Billop's, except that which distinguishes the greater from the less, which does not alter the species. I do not say this with reference to the embezzlement of the Providence or his insubordination towards me. I refer to the vessels which he boarded, and on which he opened chests and took money. But as the jurisdiction to which he is subject believed his statements without regard to equity or to my performance of my duty, why, I have done with him and am happy to stand well in your opinion. Pardon me for asking again for my arrears, and for leave of absence or permission to resign. *Holograph*. 1 $\frac{1}{2}$ pp. *Endorsed with a long précis*. Recd. 10 Nov. 1683. [Col. Papers, Vol. LI., No. 79, and Col. Entry Bk., Vol. XLVII., pp. 106, 107.]

Aug. 30.

Nevis.

1223. Sir William Stapleton to Lords of Trade and Plantations. News has just reached me that Adolph Esmitt, pretended Governor of St. Thomas, has seized several English sloops and imprisoned the English. In particular, there is mention of a sloop belonging to this island, which had been dismasted in a storm and was towed into St. Thomas by a Frenchman. This usurper and protector of pirates made the man from Nevis enter into bond of 300*l.* that he would not go to Crab Island to take off mules and other goods saved from another sloop of Nevis, that ran ashore in the same storm. He asserts a right to all these islands and to the Virgins. Having by the last clause of my new instructions power to assert the King's right to all those islands, I hope that I shall not be blamed for doing so. I shall shun all acts of hostility and bloodshed if I can but take that Governor. If he produces any commission I shall

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respect the King of Denmark's power. Esmit has sold a sloop to John Hamlin, late captain of the Trompeuse, and sent him away with some of his men. The first news I expect to hear is, that he has surprised some ship or other and gone back to his old trade. It is thought that he is gone to Petit Guavos, where there are enough of that trade to protect him, and from thence to Campeachy to get some good ship. It was there that he took the Trompeuse with two sloops. There is no hope of recovering sloops or anything else from that lawless Governor. The new Governor sent out by the King of Denmark is thought to have been taken by the Algerines or the Sallee men, for he has been expected eight months. I have been solicited by the inhabitants of Anguilla to let them settle Crab Island, the next island to Porto Rico, with a good soil and harbour. I refused, for I feared that the Spaniards and cow-killers of Porto Rico might go and cut them off in one night ; but if two or three hundred men could be found to put on it and build a redoubt, there would be no question of this settlement, for Anguilla is fit for little but goats. But I was unwilling to scatter and weaken the people. *Holograph.* $1\frac{1}{2}$ pp. *Endorsed.* Recd. 10 Nov. 1683. [Col. Papers, Vol. LI., No. 80, and Col. Entry Bk., Vol. XLVII., pp. 104-106.]

Aug. 30. **1224.** Minutes of Council of Virginia. Orders for payment for repairs of the sloop Katherine, for prohibition to pilot ships suspected to be privateers, and to prohibit the exportation of corn. [Col. Entry Bk., Vol. LXXXIV., pp. 179-182.]

Aug. 31. **1225.** The King to Governor Cranfield. We approve the displacement of Waldern, Martyn, and Gillman from the Council, and order Messrs. Fryer and Elliott to be appointed in their place. We grant you authority also to pardon the accomplices of Edward Gove on such terms as you think best. *Mem.*—The draft of this letter was approved in Committee 31st August 1683. $1\frac{1}{4}$ pp. [Col. Entry Bks., Vol. LXVII., pp. 94, 95, and Vol. XCIX., pp. 220-221.]

Aug. 31. **1226.** Journal of Lords of Trade and Plantations. Lord Howard's Draft Commission considered. Preamble altered. Clause added, directing obedience to Orders in Council. Draft, thus amended, approved. Secretary Jenkins to ascertain if the King will approve it in Council or not. [Col. Entry Bk., Vol. CVII., pp. 192, 193.]

[Aug. 31.] **1227.** Petition of Mary Forrester, on behalf of her brother, Thomas Forrester, to the Lords of Trade and Plantations. It is almost a year since a petition from the said Thomas Forrester was referred to you. By the neglect of him that presented it the reference was not taken till now, which has altered the computation in the first petition, so that the rent of the house therein mentioned now amounts to about 600*l.* I pray consideration. *Copy.* 1 p. *Inscribed,* Read 31 Aug. 1683. *Annealed,*

1227. i. Petition of Thomas Forrester of Barbados to the King. In the year 1675 the common gaol of Barbados was blown

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down by a hurricane, and by order of Governor Atkins a new built house of petitioner's was appointed to be the gaol, which it has been ever since, to petitioner's great prejudice. He has not received one farthing for it; the rent is 75*l.* a year. Prays directions to Sir Richard Dutton to do him justice. 1 *p.* *On one side.* A reference to the Lords of Trade and Plantations for their report. *Signed,* L. Jenkins. Whitehall, October 2, 1682. *On the other side.* A reference of the petition to Sir Richard Dutton for report. *Signed,* William Blathwayt. Council Chamber, 31 August 1683. [Col. Papers, Vol. LI., Nos. 81, 81 I.]

[Aug. 31.] **1228.** Answer of the Agents for Massachusetts to the petition of Robert Orchard (see *ante*, No. 1163 I.). No particulars being given as to the complaint of imposition we can give no answer thereto. As to the complaint of being forced to watch, the dangers of the country were such at the time that we had hardly power to avert them. Few were exempt from the duty required of Orchard, and in some towns one-third of the people were on watch every night. He was fined ten shillings, but never complained to the authorities there. There was no violence (as we can prove) offered by the files of musketeers, who were only brought up in consequence of unruliness previously displayed by Orchard, he having beaten one of the clerks of the trained bands when he came to demand the fine. He was not sick at the time, or the excuse would, if offered, have been accepted. As to payment of customs-duties, all the rest of the inhabitants pay them as he does. As to the incident of the boarding of a ship, this was the only case that occurred under the Act, which is now repealed. As to losing his passage in consequence of a fine, we see no proof of it, and we are confident that none in the Government would have hindered him from taking his passage later. As to the regulation of the Indian trade, it has been found necessary to check the sale of munitions of war and spirits to the Indians. Finally, Orchard's fines amount in the whole to but 10*l.* 10*s.*; he never applied to the local Courts for relief; on his last arrival with the King's order he kept it for five months, so that the time allowed for answer was not expired when he left. Moreover, the Assembly allowed him to apply to the Court free of cost. *Signed,* Joseph Dudley, John Richards. 3 *pp.* *Endorsed.* Recd. 9 August. Read at Committee 31 August 1683. [Col. Papers, Vol. LI., No. 82.]

[Aug. 31.] **1229.** Rejoinder of Robert Orchard to the reply of the Agents for Massachusetts. The Agents say I give no particulars, but I did give them. The plea that it was a time of great public danger is false; there was no great danger at that moment, and even so there was no need to take a sick man. I did complain, first to the Council and then to the magistrates, without effect. As to the levying of the fine by files of musketeers, I adduce the evidence of Joseph Emerson and Sarah Orchard. As to my beating the clerk, I asked him to produce his warrant to collect the fine, and

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when he refused I turned him out, but I did not strike him. It is untrue, again, that the inhabitants are willing to pay the customs. Even if it were legal (which it is not) they would object to it as unreasonably high. The statement respecting the search of the ship is also untrue. As to my having no proof that I was forced into Virginia to get my passage, I could easily prove it if people were not afraid to give evidence, owing to the authorities. As to the Indian trade, it is notorious that the Indians buy arms and brandy from the persons who monopolise it. Finally, my losses amount to much more than 10*l.* 10*s.*, and I repeatedly sought justice in the local Courts but could not get it. I delivered the King's order to a magistrate very soon after my arrival and asked him to acquaint the Governor, but I heard nothing of it and had no opportunity to deliver the order before the next General Court. Some days later they abused and threatened me for doing so. The Assembly's order only reached me when my baggage was on board the ship for England. But, indeed, there is no justice there.
Signed, Robert Orchard. 4½ pp. *Endorsed.* Recd. 25 August. Read 31 August 1683. [Col. Papers, Vol. LI., No. 83.]

[Aug. 31.] **1230.** Testimony of Charles Laurence respecting Robert Orchard. ½ p. [Col. Papers, Vol. LI., No. 84.]

[Aug. 31.] **1231.** Account of Robert Orchard's damages sustained from the Government of Massachusetts. 320*l.* in all. 1 p. *Endorsed.* 17 Aug. 1683. [Col. Papers, Vol. LI., No. 85.]

Aug. 31. **1232.** Commission of the Lords Proprietors of the Bahama Islands to Isaac Rush to be Secretary to the Islands. *Signed,* Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton. The Secretary's instructions. *Two clauses.* [Col. Entry Bk., Vol. XXII., p. 14.]

August. **1233.** List of negroes consigned to Jamaica and Barbados between September 1682 and August 1683. To Jamaica eleven shiploads; total, 3,460 negroes; to Barbados eighteen shiploads, 6,380 negroes. Largest consignment on one ship 650, smallest 150. 1 p. *Endorsed.* Recd. at the Committee, Aug. 31, 1683. [Col. Papers, Vol. LI., No. 86.]

Sept. 1. **1234.** Memorandum, that a power of granting land was sent this day by Captain Hostede (?) to the Secretary. [Col. Entry Bk., Vol. XXII., pp. 21.]

Sept. 4. **1235.** The King to the Council and inhabitants of Bermuda. Approving the appointment of Richard Coney as Governor pending further action. [Col. Entry Bk., Vol. XCIX., pp. 222.]

Sept. 5. St. Jago de la Vega. **1236.** Sir Thomas Lynch's speech to the Assembly of Jamaica. Many congratulations on the discreet behaviour of the House in the matter of the Laws, and on its success with the King. More congratulations on the prosperous state of the Colony. Much

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dwelling on the King's gracious favour in abridging himself of his prerogative towards the laws for seven years. Enumeration of the amendments required, and of the reservation of the Act for fixing the price of negroes. "It's against the reason and nature of commerce to put a perpetual or standing price on goods we need, for trade ought to have all liberty and encouragement. We see therefore in those places, where it is freest, there it is greatest." *Five large pages.* *Endorsed.* Recd. 6 Nov. 1683. [Col. Papers, Vol. LI., No. 87.]

Sept. 5.

1237. Speech of the Speaker of Assembly of Jamaica in reply to Governor Sir Thomas Lynch. After the King's gracious favour we shall have little more to do but every man to sit down under his own vine, studying to do our own happiness, and pray for His Majesty's long and happy reign. But we must not omit our thanks to the Lords of the Committee and still more to your Excellency. $1\frac{1}{4}$ p. *Endorsed.* Recd. 26 Nov. 1683. [Col. Papers, Vol. LI., No. 88.]

Sept. 5.
St. Jago
de la Vega.

1238. Minutes of Assembly of Jamaica. Jonathan Ashurst, Peter Beckford, and Thomas Raby, returned as Members of Assembly for Vere, St. Dorothy, and St. Elizabeth. Letter from the Lords of Trade of 17th February read (*see ante*, No. 948). Agreed that it be sent to the Assembly. Two of the above members of Assembly sworn, and a new writ desired for election of a member in place of Jonathan Ashurst, deceased. Writs amended. The Assembly being come, the Governor made them a large discourse, to which the Speaker replied. [Col. Entry Bk., Vol. XXXVI, pp. 14, 14a.]

Sept. 5.

1239. Acts of Jamaica passed 5th September 1683 :—

Act requiring masters of ships to give security.

Act for Regulating Fees.

Act for better ordering of slaves.*

Act for ordering of boats and wherries.

Act for regulating surveyors.

Act for further regulation of surveyors.

Act for encouraging shipping and regulation tonnage.

Act ascertaining salt to certain parishes.*

Act against engrossing and forestalling. *Repealed by King's letter 17th April 1684.*

Act for punishment of idle persons and relief of the poor.

Act for vacating several irregular grants.

Act for raising a Public Revenue for twenty-one years.

The whole of the above except those marked * were confirmed in Council for twenty-one years from November 1683. 17th April 1684. [Col. Entry Bk., Vol. XLIII., pp. 249–281.]

[Sept.]
Jamaica.

1240. Observations on the Receiver-General's accounts. In one of his accounts Mr. Martin charged twenty shillings a chest on some Spanish *indigo* captured by pirates before he would grant entry;

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this was for himself besides the sixpence charged for customs. Other irregularities also observed. The Receiver-General declines to produce receipts for salaries paid, and will show no account of cash nor keep the book as directed by the Governor. Further detailed criticisms. 2 pp. Unsigned. [Col. Papers, Vol. LI., No. 89.]

Sept. 5. **1241.** Minutes of Council of Barbados. Warrant for payment of salaries to the gunners and matrosses of St. Michael's. Order for prolonging the former order for accounts of the powder delivered to various persons. [Col. Entry Bk., Vol. XI., pp. 586a-587a.]

[Sept. 6.] **1242.** The depositions of Benjamin Bird respecting the three causes at issue between Samuel Hanson and Sir Richard Dutton. Sworn, 15 June 1683. 10 pp. Inscribed and endorsed. Recd. 6 Sept. 1683. [Col. Papers, Vol. LI., No. 90.]

Sept. 7. **1243.** Minutes of Council of Jamaica. Message from the St. Jago de la Vega. Assembly requesting the appointment of members of Council to confer with them about the manner of passing the laws. Sir Henry Morgan, Colonel Ballard, and Colonel Molesworth appointed. Petitions of Captains Francis Mingham and Joseph Wild read (see No. 1249 i.). Message from the Assembly, desiring that the whole Council and Assembly might confer about confirming and passing the laws. The Assembly being come the Council declared, in answer to the Speaker, that for the laws which were passed by the King there needed only a supplemental law, but for those not so passed they must begin *de novo*. Message from the Assembly desiring a conference with five of the Council on the subject-matter of the last conference. Sir Henry Morgan, Sir Charles Modyford, Colonel Ballard, and Mr. White appointed.

Sept. 8. The Council, on hearing the report of the above four gentlemen, sent its reasons in writing for the opinion declared at the conference of both Houses. [Col. Entry Bk., Vol. XXXVI., pp. 15a-16.]

[Sept. 7.] **1244.** Order issued by Sir Jonathan Atkins empowering the Provost Marshal of Barbados to take a house for a common gaol. Dated Barbados, 1st September 1675. Copy. Certified by George Hannay. 1 p. Endorsed. Recd. from Mr. Hannay 7 September 1683. [Col. Papers, Vol. LI., No. 91.]

Sept. 8. **1245.** The Deputy Governor and Council of Barbados to the Barbados. Lords of Trade and Plantations. Forwarding quarterly return of the Council's transactions and of imports for the past three months. Signed, Jno. Witham, Tho. Walrond, Edwyn Stede, Tim. Thornhill, Sam. Newton, Richard Howell, Robert Davers, Fran. Bond. 1 p. Endorsed and inscribed. Recd. 11 Feb. 1683-84. [Col. Papers, Vol. LI., No. 92, and Col. Entry Bk., Vol. VII., p. 221.]

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Sept. 11.

1246. Memorandum of a paper given in respecting the inquest on Edward Flood. An account of Sir Henry Morgan's interference with the jury (see No. 1249). *Copy. Certified by Francis Hickman, Cl. Concil. Inscribed and endorsed:* "Paper delivered to Council by Richard Holloway." Recd. 22 Jan. 1683-84. 1 p. [Col. Papers, Vol. LI., No. 93.]

Sept. 11.

1247. Deposition of Jabez Streater as to the manner of summoning the jury for the same inquest. It appears that on his setting forth, two gentlemen, Forth and Wayte, proposed themselves as jurors, and subsequently selected the rest of the panel. Sworn before Hender Molesworth, 18 Sept. 1683. *Copy. Certified by Fra. Hickman, Cl. Concil. 1 p. Inscribed and endorsed.* Recd. 22 Jan. 1683. [Col. Papers, Vol. LI., No. 94.]

Sept. 12.

St. Jago de la
Vega.

1248. Minutes of Council of Jamaica. The Governor reported the death of the Secretary, Rowland Powell, and proposed that Francis Hickman execute the office in town, and Reginald Wilson at Port Royal, till the lawful deputies of the patentees should arrive. Agreed to. The Assembly sent a message to thank the Governor for his elaborate and eloquent speech, and for being the means which made the King and Lords of Trade so kind to them. Lewis Anderson, one of the soldiers of the first army that took this Island, appeared before Council and swore that, though called Lewis the Frenchman, he was a native of Jersey. [Col. Entry Bk., Vol. XXXVI., pp. 16, 16a.]

Sept. 12.

Jamaica.

1249. Sir Thomas Lynch to Lords of Trade and Plantations. I can give you no further information as to the sack of Vera Cruz. I have seen but one Englishman that was in the action, and have promised him a pardon if he brings in Spurre's sloop, but I have heard no more of him or the sloop. Laurence and all the privateers but Vanhorn's two ships are to Hispaniola. I had a small compliment from Laurens which I send to Mr. Blathwayt (see No. 1210). Some fancy he has a mind to leave the French, and the Government on the coast is mighty confused. Some would not obey Franconet, nor others Boissu, and no one would obey the French West India Company. There is a rumour that Vanhorn's ship has got up to our Port Antoine, but it is not confirmed, so I conclude that they are in a perishing condition to Leeward, or gone through the gulf. They had fourteen hundred people on the two ships, and have put most of their negroes on desolate cays. The withdrawal of Laurens would be a mighty service to the Spaniard, for if he pieces with the French they will go near to attack Cartagena. We here have more reason to complain of them than to assist them, if our interest here and trade in Europe did not depend on the preservation of these Spanish Indies, for they do us intolerable injuries by rogues that are set out as freebooters to take traders. Three weeks ago I sent the Bonito to St. Jago de Cuba, and then I wrote to the Governor detailing our grievances, but I expect no answer nor satisfaction. I have sent a

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translation of the letter, as well as a copy of the Spanish, in case you and Dom Pedro de Ronquillos wish to see the particulars. Since this, one of our sloops is returned from Curaçoa. A Jew, naturalised here, took passage in her to bring back his family. Off the coast of Hispaniola she was taken by one Augustino Alvares in a *barco luengo*; near Curaçoa she met a pirate in another *barco luengo* which forced her into the rocks of Curaçoa. The pirate had but twenty-five, and the other fifty men, and the pirates, failing to grapple, lost ten men and their captain. The Spaniards from the rocks defended their *barco luengo* and prize, and afterwards cruelly tormented the poor Jew till they made him promise twenty-two thousand pieces of eight for his ransom; nor would they come into port till he had paid a third of it. The Governor, Joan van Epelun, ashamed of this cruelty and piracy, made the Spaniard restore the sloop, but not the ransom, though he confesses it to be unjust and has the offenders in his power. Sixteen of the thieves were Dutch. The master says that the Assentista's factors govern, and that these rogues robbed him of two hundred pounds, with threats of murdering every Englishman they met. So much may be gathered both from the Governor's letter, and the Jew's, which I have sent (see Nos. 1219, 1220). I wonder not that they do this in the West as they have done so much more in the East Indies, and that there is in Holland this proverb, "Jesus Christ is good, but trade is better." I intend to demand satisfaction of him, and he may ask it of the Governor of Havana. It will be impossible to restrain our people if other nations thus rob and insult them. Nor I can I fear but that our Act against pirates will unpeople this Island. Rogues, necessitous people and others rob the Spaniards under French Commissions, and dare not return because of this law, but go without concealment to other Colonies, especially to Carolina. Several that were at Vera Cruz are gone thither, and several vessels and pirates come from thence. There is one now on the coast of the North that has taken off thirty or forty men; so that if the same law be not enforced, then we shall lose our men, and Jamaicans that have done unpardonable actions will retire to Carolina and be safe.

The Guernsey arrived a week since from the Main and is now in port. She brought from Santa Martha the master and eight sailors who had been maliciously condemned as privateers on false witness, for they were all honest men, and not one of them had ever been so engaged. There is no mass at Cartagena yet; the quarrel between the Bishop and Governor still continues. It is about a convent of nuns, whether Dominicans or Franciscans shall confess them. The captain has lost some men this voyage, and a pretty gentleman, brother to the Duke of York's Colonel Nicholls. At Margarita an interloper of Bristol has been seized, and there are now two down towards Porto Bello commanded by C. Thornbury. One Fincham has been on our north side. He has lost seven hundred negroes, and those on the Main as many. I have ordered the Custom-house officers to be informed, to see if these vessels cannot be proceeded against at home. I have a lamentable

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account from Barbados of the ravages of pirates on the coast of Africa. I send it to Mr. Blathwayt. The Ruby would have found them at the Virgins on her passage from Barbados, but they were gone before she came. Colonel Stede wrote me about six weeks ago that she was driven out of the roads in the hurricane, honest Captain May dead, and his Lieutenant Boteler dying, so that I am in great pain for the frigate. All that put to sea escaped, but those that stayed were driven on shore. In a former letter I recommended Colonel Bourden to take Colonel Colebeck's place in the Council. Since then Colonel Long and Colonel Cary have died. I recommend Colonel Samuel Barry in place of one of them, a very honest, reasonable gentleman and a good officer. He is son of Colonel Barry of the old army, has made two thousand pounds this year from his estate, and has two or three hundred a year in Kent. The Assembly met a week ago. They received my speech very well, voted every amendment according to your directions, and are in a better temper than ever. I have no doubt that the Session will end to your satisfaction, and that the revenue, if not perpetuated, will be prolonged to twenty-four years. If the Assembly had not happily been in good humour, and peace perfectly established, an unlucky accident of Captain Churchill's, which has given me unexampled trouble, would have embroiled us. Soon after Captain Churchill, in the Falcon, came in, a cooper, employed by one Mingham (the same Mingham that had the contest with Sir Henry Morgan), thinking himself discharged, went on board the Falcon and offered to enlist. Captain Churchill deferred accepting him till he had seen Mingham, and sent for him. Mingham insolently replied that he would not come, but that he dined at such and such places, and that Churchill might come to him. On this, Churchill sent for the cooper's clothes ; Mingham's mate refused to give them up ; then came ill words and affronts, to avenge which Churchill sent and pressed five more of Mingham's men. On this Mingham's son and Captain Wild's mate ridiculed the captain's action, which was reported by Churchill's coxswain in such terms that the captain felt obliged to resent it. He sent on board Mingham again, fetched off the mate, and made ready to duck him, and brought off Wild's mate, who was immediately stripped and ducked. The same day, Mingham, his mate, and Wild came to me. I told them I could do nothing, for the captain was not under my power, and was homeward bound ; but that the Admiralty would give them justice, and that, to help them, the Judge-Admiral should take all the affidavits they pleased. They thought this unjust, and applied to the Judge-Admiral for a warrant against the captain, but he told them that he was sure it was not my order. On Mingham's coming I told him he should not be so rude to the King's captains, and that he deserved punishment for embroiling me with a captain, who came here by chance, and was not under my authority ; I told him also to go on board and give the captain good words, and that he should have his men back. Instead of this, he sends his mate on board, who says that the Governor has ordered the men to be given up. The captain told

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him he lied, but that if Mingham had come for them himself he should have had them. The mate goes off to the Judge-Admiral and offers to swear that the captain said that if I was Governor ashore he was Governor there. On this Wild and Mingham draw a petition to the Assembly craving justice, &c. This I have sent Mr. Blathwayt (*see No. 12491*). The Assembly, very discreetly and respectfully, sent it to me as Admiral. I laid it before the Council, who referred it to the courts-martial of England. Whereupon this virulent, base-natured fellow, Mingham, provoked by this, stirs up everybody at Point and in the country, and seeing his cooper, that was by accident come ashore, applies to Judge White for warrant for one of his seamen, who was refractory. The judge, not thinking of the pressed man, of course grants it. Mingham, with a great stick, goes up to help the constable, and so the frigate's crew and the people quarrel, the cooper was rescued, and two or three of the seamen are in prison. All this while the mate was sick of a fever. He fell ill four days after the ducking and whipping; and this it was that made the people so riotous when I said that I could not punish persons whom they judged criminal. Yesterday the mate died. Captain Wild at once came to me and told me of it. I bade him apply to the coroner if he thought him murdered. "But," he said, "the Falcon has striven these four days to get out of port, and the captain will be gone in the Bonito." "Why," said I, "do you say he murdered your mate?" He answered that he desired the captain might be stopped till the matter was tried. By chance Sir Henry Morgan was with me. I told him to go down, and commanding the regiment and forts (*sic*) I bade him do what was reasonable and legal. He went away with Wild, and, God is my record, had no other orders by word, letter, or message from me. The inquest was held at seven yesterday morning, and the jury was seven hours before it agreed on its verdict, which was that deceased died of fever and natural death. I enclose the depositions. As soon as the inquest was over, the foreman (one of the three famous Forths of London) and three others came to me to complain that Sir Henry Morgan was in the house; that Captain Musgrave was there, as he said, by my order; that the evidence was transposed and depositions not fairly taken, and that fifteen were impanelled and sworn, and three afterwards discharged. I answered that it was not my habit to meddle in the ordinary course of justice; if they had returned their verdict they ought not to complain; they should have made their complaint at the opening of the inquest; now it was too late; that I did not know why Sir Henry Morgan might not be below stairs while they were above, for he neither said nor did anything, nor had Musgrave any order from me to say a word to them. He was there with the Attorney-General to advise the coroner on points of law, and I concluded that if the coroner had erred about the jurors, he had erred by their advice, and they knew he was not a man of skill in the law. However, they were at liberty to inform against him at the next Grand Court, or, if they preferred the Council to hear it, I would summon all parties for to-day. Then I told them calmly that it was

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impossible for Christians or reasonable men should not give more credit to six positive oaths than to one doubtful one ; and if more than six had sworn that rage and shame brought deceased into a fever, why should they judge that the captain killed him any more than Judge White killed Secretary Powell ? No one but God could judge of spirits. After this they seemed satisfied with the thing, though not with the manner of doing it, and I must confess that no more am I. Musgrave, instead of obeying my orders, fell into debates and disputes, and confounded the poor coroner, and discontented the jury. In being too much concerned to do the captain right, they have done both him and me wrong. However, those very men do acquit him, and I myself think the case so plain that ignoramus or the devil could not have spirited a jury to find it otherwise. I have had some trouble, too, about points of honour betwixt Churchill and Tennant. After hearing both parties I concluded Churchill to be the senior, and on the better ship, and therefore ordered him to set the watch, but on condition that he acknowledged the Duke of York's power, for that I, as the King's and Duke's Vice-Admiral, claimed as much respect as any flag he might accidentally come under. To this he discreetly submitted, and I have adjusted these considerable points. But the masters of ships are so exasperated with him that not above three or four will take any notice of his setting the watch, though I have ordered them to do so. I am told, too, that people gather suspiciously to the shore when he lands, so that, though I cannot stand yet, I must go to the Point to prevent disorder. My Lords, if I may presume to say it, my declaration that I have no power to do the people right in this case has much exasperated them. What will happen if any other of the frigates have broils with the people ashore I know not. I beg you to consider, that it is denying them their rights to send these naval officers with affidavits to another quarter of the world ; it is unheard of that seamen or soldiers can be commanded without the power to punish ; if the Duke be Lord High Admiral here he has the same powers as the Lord Admirals in England ; if the Ruby be lost, your new order is the cause, as I shall hereafter explain ; if further accidents should happen to arise between sailors and landsmen, they will have much worse consequences than this. My apprehensions make me say so. I beg leave to repeat what I have said before about Captain Heywood's trial. I know not what the King's evidence may prove in London, but I will perish if they prove here that Heywood or the goods he had on board caused the loss of the Norwich. If Heywood was not censured and imprisoned for breach of instructions, that was due to the folly or partiality of Captain Temple, not of the Jamaica Governor, for he had my orders. I beg pardon for mentioning this again, but I foresee ill consequences from your late order. *Signed, Tho. Lynch. Eight closely written pages. Endorsed with a long précis. Read, 1 November 1683. [Col. Papers, Vol. LI., No. 95, and Col. Entry Bk., Vol. XXX., pp. 166-178.] Annexed,*

Sept. 7.
Jamaica.

1249. i. Petition of Francis Mingham and Joseph Wild to the Assembly of Jamaica. Relates that his cooper deserted

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him, and that Mingham's mate was sent for by Captain Churchill on board the Falcon, and there hoisted up to the very top of the "gunbill," and shamefully exposed as a criminal for more than an hour, to the derision and scorn of the ship's company, in all readiness to be ducked. Wild's mate afterwards came on board, and then Mingham's mate was dismissed, and Wild's hoisted up to the yard-arm and three times ducked, with a gun fired over his head, and after that received twenty lashes on his bare back, so that the physicians declare him more likely to die than live. Six of Mingham's men have also been detained. The magistrates hesitate to issue warrants. Petitioners pray for redress. *Copy.* $1\frac{1}{2}$ pp. *Subscribed,* At a Council held at St. Jago de la Vega, 7 Sept. 1683, it was resolved that the crime complained of is only cognisable by a court-martial of the King's captains. The Judge-Admiral, if applied to, shall take all evidence required by complainants. *Signed,* Fra. Hickman, Cl. Concil. *Endorsed,* Recd. 26 Nov. 1683.

1249. II. Depositions of the Coroner's inquest on the death of William Flood, mariner, belonging to Captain Joseph Wild's ship. Verdict according to medical evidence that deceased died of intermittent fever. 11 Sept. 1683. *Copy. Certified by H. Wingfield, Coroner.* 4 pp. [Col. Papers, Vol. LI., Nos. 95 I., II.]

Sept. 14. 1250. Minutes of Council of Jamaica. Petition of Robert Forth and seven of the jury at the Coroner's inquest of 11th September (see No. 1246) read. The Council referred them to their legal remedy if they thought the proceedings irregular. Four bills, for bonds of masters of ships, for fees, for ordering boats and wherries, and for the settlement of the Island, received from the Assembly and read a first time. Message from the Assembly requesting the attendance of Robert Felgate, late Surveyor-General, with the plans and papers of his office. Ordered accordingly.

Sept. 15. The four bills enumerated above were read a second and third time and passed. Captain Musgrave appeared to defend himself against the aspersions of Robert Forth and others. Francis Hickman took the oaths on appointment to the office of Secretary. [Col. Entry Bk., Vol. XXXVI., pp. 17a-18.]

Sept. 15. 1251. The Clerk of Assembly of Nevis to Lords of Trade and Plantations. Forwarding transactions of Assembly to 14th March. *Signed,* Tho. Thorne. [Col. Papers, Vol. XLIX., No. 83, and Col. Entry Bk., Vol. XLVII., p. 107.]

Sept. 15. 1252. The Governor and Company of Rhode Island to Lords of Trade and Plantations. If any return should come before you from Edward Cranfield, William Stoughton, and other associates said to be in commission with them to enquire into the different claims [to the King's Province], we beg you to cause a stop to be put to a full determination thereon. We were ready to have appeared

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before the said Commissioners if they would have shown their commission. We were assembled at Warwick on the 20th August, and from thence adjourned to Captain John Fownes's house at Narragansett the next day, near where they met, having provided ourselves with all records for the ascertaining of the truth. But though we desired and waited with patience for it, the Commissioners would not produce their commission, but removed out of our view to the great disappointment of all concerned. We could have wished that these gentlemen might have been as well entertained as the King's former Commissioners, Colonel Richard Nicholls, Sir Robert Carr, George Cartwright, and Mr. Samuel Maverick, who, of their own accord, showed their commissions before they acted. Pray take notice that we are ready with all obedience, but deem it our duty to uphold the King's authority here. We beg that we may have notice of any complaints against us, for we take our liberty to appeal to the King as a great favour. *Signed*, William Coddington, Governor. 2 pp. *Endorsed*. Reed. 23 July 1684. Read same day. [Col. Papers, Vol. LI., No. 96, and Col. Entry Bk., Vol. LXI., pp. 206-207.]

Sept. 17. 1253. The humble petition and remonstrance of Randall Holden and John Greene, of Warwick, to the King. We were members of the General Court of Rhode Island held at Warwick on 20th August, understanding that Governor Cranfield and the rest of the Commissioners were about to meet at Mr. Richard Smith's house at Narragansett to examine the rival claims to the Narragansett country, and sent a letter to them to produce their commission and adjourned to wait for their answer. Not obtaining a sight of the commission, the Governor and Council issued a prohibition to your subjects to attend the Commissioners, though we were ready with all documents, and had already given in a full relation to your Majesty in 1679 concerning the Narragansett country. At the same time we answered the pretensions of Massachusetts, though no less for the King's interest than for that of Rhode Island. *Signed*, Randall Howden, John Greene. 1½ pp. *Endorsed*. Reed. from Mr. S. Godolphin, 24 July 1684. [Col. Papers, Vol. LI., No. 97, and Col. Entry Bk., Vol. LXI., pp. 209-211.]

Sept. 17. 1254. Minutes of Council of Virginia. The Council met to consider the question of the incursion of the Senecas, and requested the President to continue his present methods, being the most effectual that can be devised. [Col. Entry Bk., Vol. LXXXIV., pp. 182-183.]

Sept. 17. 1255. Return of Imports and Shipping from 17th June to 17th September 1683. [Col. Entry Bk., Vol. X., No. 17.]

Sept. 18. 1256. Sir Leoline Jenkins to the Governors of the Plantations. Whitehall. Circular. The French Ambassador having presented the enclosed memorial to the King, I am instructed to send you a copy. The King is aware that your respect for treaties will have led you to

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show all severity to pirates, so if any of those complained of by the French Ambassador come into your power you will prosecute them with the utmost rigour of the law, and report that you have done so. *Signed, L. Jenkins.* 1½ pp. *Copy of the memorial referred to:*—Several French ships on their way to Newfoundland have lately been pillaged while on their voyage to Newfoundland by a ship of six patraroes and no cannon, the captain and company English. Sir L. Jenkins is begged to see that orders be sent to the Colonies not to harbour this ship. 1 p. *Entered in Entry Book only.* [Col. Papers, Vol. LI., No. 98, and Col. Entry Bk., Vol. XCVII., pp. 94-96.]

Sept. 19. 1257. Minutes of Council of Jamaica. The Assembly sent up a bill for the better ordering of slaves, which was returned for amendment. Colonel Molesworth returned the examination of Jabez Streater, Constable (*see ante*, No. 1247). Petition of Provost Marshal Yeamans read. Agreed that he deserves fourpence a mile for summonses, and the same for executions, and that the same be recommended to the Assembly. Agreed to propose to the Assembly a joint committee to prepare the Supplemental Bill.

St. Jago de la Vega.

Sept. 20. Orders for Captain Morgan and Thomas Martin to attend on the business of the powder received for the tonnage of ships; for making up the pieces of eight sent to Mr. Blathwayt for his salary to the just sum in sterling. This salary ordered to be paid in Bills of Exchange in future, the difference of exchange to go to the Treasury. The Provost Marshal brought up Robert Felgate. Ordered that they attend the Assembly's pleasure. The Assembly returned the book of laws and desired a conference on the Supplemental Bill. Sir F. Watson, Sir Charles Modyford, Colonels Freeman, Fuller, and Molesworth appointed conferrers. [Col. Entry Bk., Vol. XXXVI., pp. 18-19.]

Sept. 20. 1258. Lord Culpeper to Lords of Trade and Plantations. I have written against each instruction my manner of complying therewith. I regret that sickness prevents me from presenting it in person. *The reports are written on the original copy of the Instructions of 27th January 1682. In the following abstract matters of routine, or such as are mentioned elsewhere, are omitted. The numbers refer to the clauses of the Instructions:—1. I was ready to start on 15th September 1682, but, through no fault of my own, was delayed. 2. I did not swear in William Byrd of the Council at the first meeting. Matthew Kempe died a few days before my arrival. 7. I have suspended but one Member of Council, Major Whiting; reasons given in my order of 16th April last. 9-10. By the deaths of Colonel Kempe and Sir H. Chicheley, the long illness of Mr. John Curtis, and the absence on leave of Major-General Smyth and Colonel Philip Ludwell, the Council was reduced to eight, so I appointed Colonel John Lear, a man in every respect well qualified. He was admitted 23rd May. I wish to recommend Colonel Isaac Allerton as one most fit to be of the Council. 17. I must point out that escheats are not due to the King but to*

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the patentees. 31-33. I have been unable to carry out those instructions, as the Assembly only sat for three or four days after my arrival. The first two, I believe, I could have executed; the third was suggested by me in 1680 and rejected. 35. The salary of members is more moderate than formerly, but, being newly fixed by Act, I left it for the next Assembly. 36. I shortened the sittings of the Assembly effectively. 38. Pursuant to instructions for liberty of conscience, I stopped execution against a Quaker, John Plaisants, who was indicted for not attending church, pending signification of the King's pleasure. 39. I issued commissions and endeavoured to settle a militia, but the dispersion of the people makes them so backward and unwilling that little can be done. 41. I appointed Colonel Joseph Bridger to military command south of James River, but the service is so difficult and dangerous that I could appoint no other. The Indians are quiet, and the King of Pamunky with most of his great men, have lately desired to become Christians. I promised that his first son should be christened Charles, the second James, and his daughter Catherine, but they are so treacherous that there is no trust in them. 46. I agree with the instruction that the non-payment of quit-rents has done great mischief. The only remedy is to cause the quit-rents reserved to be paid by large holders in specie, and by others in produce, that they may throw up the land that they cannot turn to account and leave it open for others. 47, 48. I take the opportunity to show you that Mr. Buller's complaint of the seizure of deer-skins deserves no notice. 51. It is impossible to return the value of exports and imports, since no duty is levied except on tobacco. 59. I never heard of any price set on blacks by the Royal African Company, but it is to the interest of all that they should be as cheap as possible in Virginia. 65. As to treatment of servants and slaves, it is extremely difficult to keep an equal hand between bad masters and bad servants. The Assembly should look to it. Negroes are converted to Christianity, but remain slaves. 68. The suspension of the Act for towns should, I think, be removed. I have given every encouragement to building in James City and Green Spring, but nothing save the prospect of profit can do it. Besides, many think other places are better fitted for a metropolis. 70. Two Acts require to be repealed. Under one of them each county can prohibit the planting of tobacco for a year; under the other, tobacco is accepted in payment for quit-rents at twopence a pound, which is twice its value. 71. Poverty is our great failing. But the moment that the price of tobacco rises, other produce is laid aside. 72. The dearness of labour is a great obstacle to the growth of new produce. 75. This instruction, which provides for my salary, cannot be complied with. Four thousand pounds are due to me. I might have done something towards paying myself, but preferred to attend first to the King's service. Everyone is paid but myself. I ask for your justice. 76. I have done my best to check frauds on the King's revenue. Having answered each instruction I must now add a general report. I transgressed my commission in two particulars. 1. I issued a

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general pardon, after making two examples, to the plant-cutters, though their crime was called treason. I thought that few of them had any idea of committing treason, but only of raising the price of tobacco, and I acted accordingly. Might not power be given, in future, to pardon such kind of treason? 2. I appointed Nicholas Spencer President of the Council, though Colonel Bacon was the senior member. The latter was so averse to it that he would not have accepted it on any terms; Spencer is a patent officer and well fitted for the work, and has promised me to attend to the work diligently. A motion to make me a present I, before receipt of your order, suppressed with scorn and silence. 3. You will find the case of Mr. Sands and Mr. Brown fully dealt with in the Council of Virginia of 13th March last. 4. As regards returning stores by the Norwich frigate, she has never been near Virginia. 5. As regards the plant-cutting riots, I found the Assembly sitting at my arrival, and next day I ordered it to adjourn to the following Monday, and on the afternoon of that day fell to business. I altered almost every one of their Acts, rejected what they meant to do for their favourite, Beverley, divided half of Buller's forfeited deer-skins among them (which they carried in triumph home), and dissolved them with a speech against plant-cutting. Though I passed their laws I did not approve them, but, as my first business was to make an example of plant-cutting, I thought it better that the unpopularity of rejecting the Acts should fall on those at home than on me. On 10th January I examined the business of the riots in full Council, and found that the prompt action of Nicholas Spencer and Major-General Smith, in securing the person of Robert Beverley, had done more than anything to keep the peace. It was lucky for Beverley, too, for I could find no evidence against him, except for general sauciness, and evil influence over Sir Henry Chicheley. I at once put Beverley out of all public employment. I was much embarrassed by a general pardon issued by Sir Henry Chicheley, and a particular pardon to John Suckler, the chief ringleader, on condition that he built a bridge situated conveniently for Sir Henry's plantation. Having, however, with the Council's consent, found plant-cutting to be treason by a precedent of 39 Eliz, I committed four men to prison. They were tried, and, notwithstanding high words and threats, three of them found guilty. Of these two, Somerset Davies and Black Austin, were executed. The third, Richard Baily, I reprieved till I knew the King's pleasure, he being not yet nineteen and a victim to the seductions of others. If you think that I have not done enough, I excepted Beverley and some others from my proclamation. At the request of the Council I increased the soldiers kept by Sir Henry Chicheley from eight to eighteen men, so as to have three complete files, and have paid them from 1st January to 1st July. I have drawn two bills of exchange on Mr. Fox, the paymaster, for this expense. I also hired a sloop of sixty tons for a year at 6s. 8d. per ton per month. (Here follow elaborate details of pay and expenses.) I gave the captain orders to check frauds on the

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revenue, and I believe that the money so saved will exceed the cost of the sloop. She will be useful also against pirates. Lord Baltimore ought to contribute to her support. I did not use Sir L. Jenkins's letter to Lord Baltimore, and now return it. I have incurred odium through my unwillingness to support the colonists in causing a cessation of planting. I rather encouraged planting; it will sooner cause another glut, and force the people to new industry. The merchants in England, finding that they cannot stop the growth of tobacco nor destroy it, are trying to delay it from coming home. As to the order suspending 65*l.* 10*s.* of my salary for fees on my commission, it could not be obeyed till after the audit, when I suspended its execution till I could be heard in protest. You have received several papers concerning Captain Tyrrell's carrying away a servant. The question is of importance, as the King's ships will be disliked if the Governor is to be defied by every little captain of a fifth-rate man-of-war. You will see, by the certificates of the disbanding of the foot companies, that I am a heavy loser. It is hard upon me. Lastly, I hand to you the Council's report on the country of 4th May, and Captain Byrd's proposals respecting the Indian trade (*see ante*, No. 980). According to my maxims of free trade I threw it open, but they wish it to be restrained. Having in April despatched the business of the Great Court, and finding the whole country quiet, I thought it best to make a step home, not from any fondness to be in England, nor any contempt of orders, nor for the reasons given by the Council, but because I knew that the great crop of this year would certainly plunge the country into further difficulties next year, and therefore wished to consult as to the measures to be taken. I believe that nothing could have been better conducing to the King's service than my departure with design to return at Christmas. No doubt another Governor of greater ability will outdo my poor endeavours; but what the wit of man can expect from a Governor beyond peace and quiet, and large crop of tobacco, I know not. I have done my duty, and my conscience does not accuse me. But the load of Government is so heavy that I am as contented to be eased of it as to take it up. I hear that there is to be a new Governor. I beg that my dues and concerns may not suffer thereby. *Signed*, Tho. Culpeper. *Holograph.* [Col. Papers, Vol. XLVIII., No. 11, and Col. Entry Bk., Vol. LXXXII., pp. 122-171. N.B.—*The instructions themselves will be found in the same Entry Bk., pp. 30-61.*]

Sept. 20.

1259. Minutes of Council of St. Christophers. Proposed by the Council (1) that an Act may be drawn compelling imported malefactors to serve for eight years, (2) that thanks be returned to Thomas Hill and Christopher Jeaffreson, or that their expenses be reimbursed for their good service in forwarding the transportation of malefactors and in other respects. Answer of the Assembly agreeing to the first proposals, and returning their thanks to both. When the debts are cleared off they will be mindful of giving Jeaffreson a present. On a proposal of the Council that one able

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negro out of every twenty should be sent to the work on the Sessions house, the Assembly altered the proportion to one in thirty. Orders for a return on oath of working negroes; and for a joint committee to inspect the public accounts. [Col. Papers, Vol. L., No. 98.]

Sept. 20.

1260. Description of Jamaica, dedicated to King Charles II. by Sir Thomas Lynch. Jamaica lies in latitude about 18° north; is distant from Hispaniola, west, about thirty-five leagues, from Cuba, south, twenty-six leagues, from the Main and Cartagena, north, about one hundred and fifty leagues. It is of oval form and divided from east to west by a chain of lofty mountains; its length by the chart is one hundred and fifty miles, but by common computations it is judged twice as long; extreme breadth, fifty-two miles; extent, 7,500,000 acres, of which about 108,700 are taken up. About 350,000 acres are savanna or pasturage; about a million acres barren and unplantable; about six million and a half manurable and useful. The land differs in climate from causes of conformation; the good land runs in veins and thus the settlements are separated. It has plenty of good ports and is not subject to hurricanes; it is well watered, has over eighty rivers running to the sea, and six times as many tributaries to them. The planting of the Island began after the Restoration; it has since been divided into fifteen parishes and eight provinces or precincts. The Governor commands during the King's pleasure, and has no salary but what is paid by the King in the Island without presents from the Assembly. In the event of his death or absence the Lieutenant Governor succeeds, and on his death or absence the Council, with senior member for President. The Council consists of twelve or thirteen members nominated by the King. Their names are:—

Sir Francis Watson, knight.
 Colonel Thomas Freeman.
 Colonel John Cope.
 Colonel Thomas Ballard.
 Colonel Thomas Fuller.
 Colonel Robert Byndloss.
 Lieutenant-Colonel Hender Molesworth.
 John White.
 Sir Charles Modyford, bart.

The Assembly consists of thirty-two members:—

St. Catherine's	- { Samuel Bernard, Speaker. John Bourden. Edmund Duck.
St. Thomas	- { Lieutenant-Colonel Edward Stanton. Ralph Whitfield.
St. David's	- { Major Thomas Ryves. Captain James Lobley.
Port Royal	- { Major Samuel Bache. Captain Reginald Wilson. Mr. Coward.

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St. Andrew's	-	Colonel Samuel Barry. Captain Francis Scarlet.
St. Thomas in the Vale	-	Major George Nedham. Dr. Fulke Rose.
St. Dorothy's	-	Doctor Bonner. Peter Beckford.
Clarendon	-	Thomas Sutton. Richard Dawkins.
Vere	-	William Pusey. John Peck.
St. Elizabeth	-	Colonel Richard Scott. Thomas Raby.
St. James	-	Samuel Jenks. Captain Thomas Clark.
St. Anne's	-	Lieutenant-Colonel Whitgiff Aylemore. Major Benjamin Smith.
St. Mary's	-	Andrew Orgill. John Moon.
St. John's	-	Major Thomas Ayscough. Francis Price.
St. George's	-	Captain Henry Archbold. Edward Broughton.

They are chosen by the freeholders by virtue of writs delivered to the Provost Marshal as High Sheriff. The Church has the King for its head. The Governor collates to benefices, which are worth from 40*l.* to 100*l.* per annum. Not more than nine churches yet. All the clergy orthodox good men. There is liberty of conscience and freedom of naturalisation. The King has honoured the Island with the gift of a large gilt mace, which is carried before the Governor and Chancellor on solemn occasions. The King has also given the Islands arms and a broad seal. On one side is the King on his throne and two Indians on their knees offering him fruits, and two cherubims aloft supporting a canopy, and this motto, *Duro de cortice fructus quam dulcis.* Around it is *Carolus, &c., Dominus Jamaicæ.* On the other side is an escutcheon bearing a cross charged with five pines, two Indians for supporters, and for the crest, an alligator. The inscription on the orle containing all is "*Ecce alium ramos porrexit in Orbem, nec sterilis crux est.*" The motto beneath it is "*Indus uterque serviet uni.*" All this I believe was designed by the present Archbishop of Canterbury in 1661. The Governor is Chancellor, but the place is worth little. He has one clerk, called Clerk of the Patents, whose office is worth but 55*l.* a year. He has also three Masters in Chancery. The Court sits the second Monday of every month. The Chancery causes are few and soon despatched. Land grants are made under an order from the Governor to a legal sworn surveyor, through whom it is returned to the Clerk of Patents and sealed. The King's revenue in the Island consists of quit-rents, fines, forfeitures, escheats, licenses for taverns, and an impost on strong liquors, all of which are received by the Receiver-General, who is supervised by a deputy-auditor who brings the accounts to the Governor in

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Council. Duplicates are sent to the Auditor-General in England. A naval officer is responsible that the Acts of Trade and Navigation are complied with. The Governor is Ordinary and Judge of the Prerogative Court. The Secretary has charge of the office, and is paid by fees. The Governor receives none. The Governor is also Judge Admiral, and holds a commission to command all men-of-war that come into these ports. There is an office of enrolments which is held by the Secretary. The Provost Marshal General is the executive officer of justice. The Militia is much better armed and disciplined than in England, and do much more duty as the Governor's guard and garrison of the forts. There are eight regiments in the eight provinces, and a troop of horse to every province, which, together, make up one regiment. At Port Royal is a captain of the castle and twelve gunners and matrosses, all paid by the King. Each province has a *Custos Rotulorum*, the best and richest gentleman in it, who, together with the other justices of the peace, holds Quarter Sessions. There is also a petty court to each province, where the ablest gentleman is judge, with two justices for assistants. Their jurisdiction extends to cases involving 20*l.* or less, and they do good justice. The Grand Court has a Chief Justice and four assistants, which last serve without salary. It is held quarterly at St. Jago de la Vega. [Col. Entry Bk., Vol. XXX., pp. 212-228.]

Sept. 20.
Jamaica.

1261. Instructions of Sir Thomas Lynch to Captain James Risby, on his voyage to Petit Guavos. You will find out if the Governor grants commissions against the Spaniard, and, if he does, beg him to forbid the men-of-war to touch in our ports, or, if they do, to command them not to carry off our people. You will demand the merchandise taken by La Trompeuse from Spencer, Spurre's shallop, as belonging to this Island, and the goods aboard Laurens that belong to Spurre, as the King claims them. Let him know that I have four frigates here, and that I send you to avoid scandals and disputes; also that Vanhorn's ship being English I expect her to be sent to me; also that strict orders are coming from France to command the observance of the peace, and to do us justice about the La Trompeuse. Let him know also that we do not pretend to trade, but ask that the vessels I send, or such as are forced on the coast, may be treated humanely as we treat them here. $1\frac{1}{2}$ pp.
Endorsed. Recd 22 Jan. 1683-84. [Col. Papers, Vol. LI., No. 99.]

Sept. 21.
Jamaica.

1262. Sir Thomas Lynch's reasons, addressed to the Assembly, against raising pieces of eight to the value of six shillings. Sixteen brief clauses setting forth, with specific examples, the futility, dishonesty and impolicy of giving an arbitrary and excessive value to money. *Unsigned.* This was evidently put forward to defeat the designs of Sir Henry Morgan. See post, Nov. 2. $2\frac{1}{2}$ pp.
Endorsed. Rec. 22 Jan. 1683-84. [Col. Papers, Vol. LI., No. 100.]

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Sept. 22.

1263. Minutes of Council of Jamaica. [Mr. Martin asked by what power he asked a Commission on the powder paid by ships; ordered that in future he have a commission, valuing the powder at a shilling a pound. Petition of masters of vessels as to the gauge of casks referred to the Assembly. [Col. *Entry Bk.*, Vol. *XXXVI.*, pp. 19-19a.]

Sept. 25.

1264. Journal of Lords of Trade and Plantations. Lord Culpeper's replies to his instructions read (*see No. 1258*). Colonel Lear to be confirmed in the Council. Colonel Isaac Allerton to be admitted at first vacancy. A new instruction as to style of enacting laws. Lord Culpeper desired to give a further account of the state of the Church. A new instruction to be added respecting orders of Court. The clause respecting an allowance of tare on tobacco referred to the Commissioners of Customs. The clause as to reduction of salaries of members of Assembly softened to allow the Governor to use his discretion. An instruction to be added for the further respite of sentence on John Plaisants. Lord Culpeper's account of stores to be sent to the ordnance-officers. The grant of the quit-rents to Lord Culpeper referred to the officers of the law and of the Treasury for report. Mr. Mearn to prepare books for the churches in Virginia. The question of appeals referred to the Lord Keeper and Crown Law Officers. Instruction as to the repeal of divers Acts, and to forbid the revenue to be anticipated in future. The question of salary or arrears claimed by Lord Culpeper referred to the Commissioners of the Treasury.

On the business of Bermuda, Mr. Secretary Jenkins proposed that a letter be written to countenance Mr. Coney, the new Governor. The Lords are averse to such a course while the *quo warrantum* against the Company is still depending. [Col. *Entry Bk.*, Vol. *CVII.*, pp. 194-199.]

Sept. 25.
Council
Chamber.

1265. [William Blathwayt] to Lord Culpeper. The Lords of Trade and Plantations desire from you a more particular account of the Church in Virginia. [Col. *Entry Bk.*, Vol. *LXXXII.*, p. 172.]

Sept. 25.

1266. Journal of Council and Assembly of Antigua. Sir William Stapleton's Commission to Colonel Edward Powell to appoint the representatives of Nevis for a General Assembly of the Islands, and his instructions to him, both dated 1st October. Message of the Assembly to the Council, requesting that a *posse comitatus* may be given to the Marshal for the arrest of Doctor Port, a Roman priest, and Jasper Joyce, who have threatened to murder the men that informed against Port for saying mass. Answer of the Council. We have issued a warrant for the arrest of Port and Joyce. We send for your concurrence an account of what will be necessary for the Indian expedition, viz., three sloops, doctor and medicines, thirty barrels of beef, ten barrels of rum, three barrels of powder, ten thousand of bullets, one thousand flints, one hundred bushels of grain, and one thousand pounds of bread. The Assembly concurred,

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provided that the rest of the Islands paid their proportion. [Col. Papers, Vol. XLIX., No. 81.]

- Sept. 26. **1267.** Minutes of Council of Jamaica. The Speaker with the whole Assembly came to ask the Governor to appoint a day of thanksgiving for the escape of the King and Duke of York from the late horrid plot. His Excellency said he was glad to see the Assembly's forwardness herein. Order for proclamation of a thanksgiving day. [Col. Entry Bk., Vol. XXXVI., pp. 19a-20.]
- Sept. 27. **1268.** Warrant from the Lords Proprietors of Carolina to Governor Moreton for the grant of land to Robert Steevens and Bartholomew Le Roux. *Signed*, Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton. [Col. Entry Bk., Vol. XXII., p. 15.]
- Sept. 27. **1269.** Journal of Lords of Trade and Plantations. Lord Culpeper's account of his Government resumed. The Lords think, on paragraph 77, that the value of coins should not be altered without the King's consent. Clause 80, respecting records, to be omitted from Lord Howard's instructions. The business of Mr. Sands to be further considered. The King to be asked to declare how Robert Beverley shall be treated. Lord Culpeper's charges for additional soldiers and for hire of a sloop-of-war referred to the Treasury. Lord Culpeper's report as to a combination of English merchants, who have bought a great quantity of tobacco to retard the further importation thereof, referred to the Treasury. Lord Culpeper's objection to the fees for his last commission to be heard; his complaint against Captain Tyrrell referred to the Admiralty, and his business as to the discharge of Major Mutlow's quarters referred to the Treasury. [Col. Entry Bk., Vol. CVII., pp. 200-203.]
- Sept. 27. **1270.** [William Blathwayt] to the Attorney and Solicitor-General. The Lords require your opinion on the two enclosed grants of the quit-rents of Virginia to Lord Culpeper and others. [Col. Entry Bk., Vol. LXXXII., p. 187.]
- Sept. 27. **1271.** [William Blathwayt] to Henry Guy. Lord Culpeper informs my Lords that there is a design of the merchants here, who have bought large quantities of tobacco, to hinder or retard its coming home. I am ordered to apprise the Lords of Treasury thereof. [Col. Entry Bk., Vol. LXXXII., p. 187.]
- Sept. 27. **1272.** Lord Culpeper's representations concerning the Church. The Church in Virginia rests on Act No. 3, concerning the maintenance of ministers. It is doubtful in itself, and though constantly interpreted in their favour (as they suppose) is little encouragement for good parsons. Therefore, and in consequence of the inclination of the people to comfort themselves after their hard labour to forget sorrow, the clergy are only too ready to humour them, and thus eventually earn their contempt. The allowance, besides house, glebe, and perquisites, is eighty pounds a year, but as it is payable either in money or in produce, i.e., in tobacco at twelve shillings the

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pound, or in corn at ten shillings the barrel (once the true but now an excessive value), the parish takes advantage to the parson's prejudice, the value being not worth above half the nominal in some parts of the country nor above two-thirds in others. Were this all, there might be some hopes, but universal poverty is hopeless. There is a glebe of one hundred acres laid out in every parish in the country, and in most parishes, I believe, a sufficiently good house, to answer the law. But the other is the main point. I know only of four parishes in the country which, with glebe, perquisites, &c., are really worth eighty pounds a year, viz., Middle Plantation, two parishes in Gloucester county, and that wherein Mr. Nicholas Spencer lived in Westmoreland. I fear the last will lose value when he leaves it. I know not which way to begin to amend this. Good ministers would in time certainly gain a hold on the people, but there is nothing to encourage good men to go so far. Apart from the general poverty there are in many parishes barrenness, remoteness and danger from Indians to contend against. All depends on the interpretation of the words in the Act "as may be really worth four score pounds per annum." If your Lordships think the words could be construed according to equity, I could suggest a scheme whereby, with caution, something could be done, otherwise it will be a long and difficult matter. *Signed, Tho. Culpeper. Holograph. 1½ pp. Endorsed. Recd. 28 Sept. 1683. [Col. Papers, Vol. LI., No. 101, and Col. Entry Bk., Vol. LXXXII., pp. 172-174.]*

[Sept. 27.] **1273.** Proposals in relation to Virginia offered by Lord Howard to the Lords of Trade and Plantations. It is absolutely necessary to send a frigate to Virginia. All reasons that apply to the despatch of men-of-war to other Colonies prevail with double force here; the revenue of Virginia exceeds that of all the other plantations put together. By the presence of a frigate the peace of the Colony will be secured against all such troubles as the late insurrection, which cost the King's customs dear. The ship cruising between the two Capes of Virginia will check irregular traders and advance the King's revenue; and it will help Maryland as well as Virginia in this respect. Finally, it will put down pirates and be a great awe to all plantations north of the tropic, especially New England, whither it may be sent if necessary. *1 p. Unsigned, but headed as above, and endorsed. Recd. 27 Sept. Read 29 Sept. 1683. [Col. Papers, Vol. LI., No. 102, and Col. Entry Bk., Vol. LXXXII., pp. 247-248.]*

Sept. 28. **1274.** Commission to Francis, Lord Howard of Effingham, to be Governor of Virginia in the room of Thomas Lord Culpeper who has forfeited the office. Thirty-eight clauses. The new Governor is not empowered to pardon treason, but is empowered to pardon plant-cutters as seems good to him. *Countersigned, L. Jenkins. N.B.—The date in the second Entry Book is September 4th. [Col. Entry Bks., Vol. LXXXII., pp. 188-204, and Vol. XCIX., pp. 223-235.]*

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Sept. 28.
Jamaica.

1275. Sir Thomas Lynch's reasons for prolonging the term of the Revenue Bill addressed to the Assembly of Jamaica. Thirteen heads. Showing that the prolongation to twenty-one years is dictated alike by convenience, interest, and gratitude. If the Assembly is nervous that it will not be summoned, Sir Thomas will obtain a special instruction from the King to insure its meeting. 3 pp. *Endorsed.* Recd. 22 Jan. 1683-84. [Col. Papers, Vol. LI., No. 103.]

Sept. 28.
Whitehall.

1276. Order of the King in Council. Referring the petition of William Freeman, complaining of John Bramley, to the Lords of Trade and Plantations for their report. $\frac{1}{2}$ p. *Signed,* Phi. Lloyd. *Annexed,*

1276 I. The petition of William Freeman. Petitioner and John Bramley are partners in a plantation at Montserrat. Bramley has for some years past refused to account for the produce of the plantation, pursuant to agreement, and thereby greatly enriched himself. Petitioner sent one, William Berwick, to call Bramley to account, but Bramley refused to give any, and has since endeavoured to compel a partition of the estate, which will inevitably entail the loss of the whole of petitioner's interest therein, and has applied to Sir William Stapleton for the same. Prays for an order to Sir William Stapleton to desist. *Copy certified by Philip Lloyd.* $1\frac{1}{2}$ pp. *Endorsed.* Recd. and read, 6 Nov. 1683. [Col. Papers, Vol. LI., No. 104, 104 I., and Col. Entry Bk., Vol. XLVII., p. 110.]

Sept. 28.
Windsor.

1277. The King to Sir William Stapleton. The letter respecting the Royal African Company approved by Order in Council of 25th August (*see ante*, No. 1214). [Col. Entry Bks., Vol. XLVII., pp. 96-98, and Vol. XCIX., pp. 239-240.]

Sept. 28.
Windsor.

1278. The same to Sir Richard Dutton. The same letter, *mutatis mutandis.* [Col. Entry Bk., Vol. XCIX., pp. 236, 237.]

Sept. 29.

1279. Journal of Lords of Trade and Plantations. Lord Culpeper's account of his administration of Virginia resumed. Order for process to issue on the inquisition against his patent. Letter from Lord Culpeper reporting letters from Virginia, wherein he learns that all is quiet, and that the tobacco crop is prodigious. A paper of "proposals from Lord Howard read (*see No. 1273*), and referred to the Lords of the Treasury for their opinion. An account of Virginia for the past three years by the Council read (*see No. 1063*). The Lords think thereon that there should be free trade with the Indians, that there should be no cessation of planting tobacco, and that garrisons in Virginia should not be kept unless without expense to the King. The question of the quit-rents is referred to the Attorney-General. As to the Act of towns the Lords defer judgment till Lord Howard shall report thereon. Agreed to advise an additional instruction to Lord Howard to

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propose to the Assembly a law empowering the Governor and Council to raise a limited levy by their own authority. Memorandum of documents sent and received. [Col. *Entry Bk.*, Vol. *CVII.*, pp. 204-209.]

[Sept. 29.] **1280.** Lord Culpeper to William Blathwayt. Pray acquaint the Lords of the Committee that I received letters yesterday from Secretary Spencer, Auditor Bacon, and many others, of 23rd and 25th July, giving a good account of the Colony and of the prodigious crop of tobacco. Let their Lords, in fact, set down how they would have things go when the market in Europe is overstocked, and so it is or better. I desire that I may be speedily despatched one way or another before the King goes to Newmarket. I am ready to answer for all my actions in my Government, and if no faults are found, I suppose there are none. *Signed,* Tho. Culpeper. *Holograph.* 1 p. *Endorsed.* Recd. 29 Sept. [Col. *Papers*, Vol. *LI.*, No. 105, and Col. *Entry Bk.*, Vol. *LXXXII.*, p. 175.]

Sept. 29.
Council
Chamber. **1281.** William Blathwayt to Henry Guy. Forwarding for report of the Commissioners of the Treasury Lord Howard's proposals, and those of the Council of Virginia for the stationing of a frigate at Virginia (*see ante*, Nos. 1063, 1273). [Col. *Entry Bks.*, Vol. *LXXXII.*, pp. 246-247.]

Sept. 30. **1282.** Commission to John Moore to be Receiver-General of the Province of Carolina, West and South of Cape Fear. *Signed,* Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton. [Col. *Entry Bk.*, Vol. *XXI.*, p. 45.]

Sept. 30. **1283.** Lords Proprietors of Carolina to the Governor and Deputies of the Province South and West of Cape Fear. In our last we gave you directions for the election of a Parliament (*see ante*, No. 1132). As we are uncertain whether these orders reached you soon enough, and whether the Parliament was so chosen, we order you forthwith to dissolve the present Parliament and call another, to be elected according to the new rules, the election to be held in both places on the same day. If the Parliament was chosen according to the new rules you will not dissolve it. We hear that there are many undue practices in the choice of members of Parliament, and that men are admitted to bring papers for others, and vote for them, which is utterly illegal and contrary to the custom of Parliament, and will in time, if suffered, be very mischievous. You will take care to put a stop to this in future, and if the sheriffs refuse to obey you will appoint other sheriffs in their place. In our order of 21st November 1682, we gave the Governor and Parliament power to ratify our new fundamental constitutions of 17th August 1682. We now cancel that order, for the Scots have desired some additions that will be of benefit to the inhabitants. We order you to pass no Act of Parliament diminishing the fees of the Secretary's, Surveyor's, and Registrar's places without our consent. The places require men of ability who

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cannot be obtained without giving them some equivalent. We strictly forbid you to allow any Indians to be transported without consent of Parliament, elected as aforesaid, and you will assemble the Palatine's Court to consult a part of all Acts of Parliament and licence for transportation of Indians, that they may negative it if they think fit. Any officer commissioned by you or chosen by the Palatine's Court who transports Indians without a licence shall be at once dismissed. *Signed, Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton.* [Col. Entry Bks., Vol. XXI., p. 44, and Vol. XXII., pp. 15, 16.]

Sept. 30.

1284. Lords Proprietors of Carolina to the Governor and Deputies of the Province West and South of Cape Fear. We have read your letter of 2nd March about sending away of Indians, and are by no means satisfied with your reasons for doing so. We must plainly tell you that we are very jealous that the private gains made by some by buying slaves of the Indians has more to do with the opinion that they ought to be transported, than any consideration of public safety or benefit; and we are confirmed in this view since Captain Godfrey, one of your number and a public spirited man, openly dissents from you; while others that have signed your public letter, in their private letters write that they do not see the necessity urged by you for the transportation of Indians and that they anticipate trouble from it. Even some of the dealers in Indians who signed the public letter have given their reasons, which seem to us to partake more of private profit than public good. Their reasons are three, viz., 1. That the Sevanas having united all their tribes are become so powerful that it is dangerous to disoblige them. 2. That you have wars with the Waniahs in which these people assist you. 3. That humanity induces you to buy their slaves of them to keep them from a cruel death. As to the first, we ask you whether the prohibiting the buying slaves of any others but the Sevanas, and allowing it to them and giving in exchange guns, powder, and all that they need, be not the way not only to keep all the tribes of the Sevanas united, but to join all other scattered tribes to them for protection, and for share in their privileges, and so make them formidable indeed. As to the second, we ask how came the wars with the Waniahs for the first seven years after the settlement? When the English were weak they had wars with none of the neighbouring Indians, but lived justly with them; and all was quiet. But the heads of the Westos were taken whilst they were in treaty with the Government, and so under the public faith for their safety, and put to death in cold blood; the rest were driven from the country, and the Sevanas did not afford the profitable trade to the Indian dealers in beaver, etc., that was expected. Then, in order to have Indians to transport (for we can imagine no other reason), a quarrel was picked with the Waniahs on pretence that they had cut off a boat of runaways. These runaways, we are informed, arrived safely in Antigua, and we are expecting depositions concerning them. These [Waniahs] the Sevanas were to take and sell to the dealers in Indians, and only to the few of them that had a share in the

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Government; for complaint has been made to us that a certain person offering to buy some Waniah prisoners taken by the Sevanas was told that they dared not do it, for that a certain person, whom they named, and whom we understand to be the chief contriver of your letter, would be angry if they sold them to any but himself. We are also informed that a false alarm was contrived by the dealers in Indians in order to gain the chance of showing themselves in force in the Sevana town and so frighten the people into a sole trade with themselves, for we cannot learn that any Westos were near the Sevana town. The Indian dealers tell us that there are not fifty Westos left alive, and those divided. Are the Sevanas so formidable a people as you allege, and is it necessary that the whole English settlement should be harried into trouble and expense to defend the numerous and powerful Sevanas against fifty Westos? We learn further that the Westos wanted peace and sent some of their people to the Sevanas to mediate for them, but their messengers were taken and sent away to be sold. The poor Waniahs would, we are told, have done the same, but their messenger also was taken and sent away. But if there be peace with the Waniahs and Westos, where shall the Sevanas find Indians to sell to the dealears? We are convinced that the sending away of Indians caused the Waniah and Westo wars and continues them, and will not only continue them but cause other wars. And wars are inconvenient to planters.

Last, as to the plea of humanity, it is no more nor less than this: By the purchase of Indians from the Sevanas you induce them through covetousness of great weapons and other European goods to make war upon their neighbours, ravish the wife from the husband, and kill the father, take the child, and burn and destroy the dwellings of the poor people who cheerfully received us into their country, and cherished us when we were weak, or at least never did us any hurt. And, after this, we have set them to do all these horrid things in order to get slaves for the Indian dealers; we call it humanity to buy them, and thereby keep them from being murdered. Nor was the Waniah war managed with more humanity by your Indian dealers. Let us tell you the story as it reached us, for a warning. Upon a bare information from Indians that the aforesaid runaways were killed by Waniahs a war was proclaimed against them. No enquiry was made into the truth of the thing, no message was sent to the Waniahs to let them know that information had reached the Government of a murder committed by some of their people, and to demand the guilty persons. No. War was proclaimed; poor innocent women and children were barbarously murdered and taken for slaves, who had in all probability been innocent of the deed even if it had been committed. Does any one doubt that the Waniahs would have refused to give up the guilty persons, if any, considering how impossible it was for them to resist the English, and that the best that they could hope for was to be driven from their habitations, to live a miserable, skulking life. Had the English proceeded justly, they would have discovered that no such deed was committed at all, or

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the guilty persons would have been delivered up, their land-grave West, whom we believe to be a well-meaning man, but imposed on in this matter, would not have been persuaded to make war, and your Indian dealers would have missed their expected booty. These actions have been talked of in England and have kept many good settlers from you, who cannot see how runaway negroes can be brought back in so large a continent except the Indians be preserved, nor expect God's blessing on a Government so managed. We cannot answer it to God, the King, our inhabitants, nor our own consciences, that such things should continue. But we have a very tender regard for the safety of our inhabitants; we cannot foresee what necessities may arise for an Indian war, and in what case it may be necessary to permit soldiers, for their encouragement, to make the best advantage that they can out of their prisoners, to say nothing of the like necessity in unforeseen contingencies. We therefore think fit to allow Parliament to pass Acts for the exportation of such Indians as they may permit, the said Indians to be shown in the house, and to be examined by sworn interpreters as to their capture, name and nation; also the person to whom leave of exportation is granted must be mentioned in the license. In such matters the consent of the majority of the house shall suffice, and we do not intend that there shall be a standing Act for the transportation of Indians, but a particular licence for the transportation of each batch, to be granted by the whole Parliament. Any one who exports Indians without a licence shall receive the utmost punishment prescribed by law.

The Scots and some other considerable men that have a mind to become settlers, have hinted to us that our first constitution made insufficient provision against oppression. They pointed out that the members of the Grand Council were appointed for life, that the judges, sheriffs and all other magistrates and officers are chosen by us Lords Proprietors, and that juries are chosen by our officers. We have therefore altered our constitutions and made new ones. We give the Parliament of Carolina power to punish any member of the Grand Council or any other officer for misbehaviour. We have also provided for the appointment of juries by lot, and made sundry other alterations for securing the people in their liberties. We then gave power to the Governor and Deputies to ratify the same, which prevents further alteration except by consent of all the Proprietors, all the Grand Council, and all the members of two successive Parliaments. So that we cannot imagine the cause of the jealousy that we should change them again, unless it were that your Indian dealers thought that Parliament would have too much power over them, and that juries chosen by lot would give equal justice. We have also transferred the nomination of the Secretary from the Chancellor to the Palatine and Proprietors at large.
Signed, Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton.
[*Col. Entry Bk., Vol. XXII, pp. 16-20.*]

Sept. 30. **1285.** Proclamation for a day of thanksgiving in New Hampshire New Hampshire for the delivery of the King from Shaftesbury's plot. *Copy*

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certified by, Richard Chamberlain. 1 p. [Col. Papers, Vol. LI., No. 106.]

Oct. 1.

1286. William Blathwayt to the Attorney and Solicitor General. Forwarding extracts of grants and instructions for appeals from the Colonies to the King in Council, for consideration and report. *Draft.* 1 p. [Col. Papers, Vol. LII., No 1.]

Oct. 2.
Whitehall.

1287. William Blathwayt to the Commissioners of the Admiralty. My Lords have received a complaint against Captain Tyrrell, R.N., from Lord Culpeper for carrying away a servant from Virginia. I am to request that Captain Tyrrell will attend them at some time when the Commissioners of the Admiralty can also be present. [Col. Entry Bk., Vol. LXXXII., p. 242.]

Oct. 2.
Council
Chamber.

1288. William Blathwayt to Henry Guy. Referring Lord Culpeper's statements respecting quit-rents and his salary to the Lords of the Treasury. [Col. Entry Bk., Vol. LXXXII., p. 238.]

Oct. 2.
Council
Chamber.

1289. William Blathwayt to the Attorney and Solicitor General. My Lords desire your opinion on the following question: Whether the Governor, Council, and Assembly of Virginia may not by the King's directions, and with his approbation, pass an Act or Acts to vacate letters patent granted under the Great Seal of England. With reference to the grant of the quit-rents made to Lord Culpeper and others. [Col. Entry Bk., Vol. LXXXII., p. 239.]

Oct. 2.

1290. Journal of the Lords of Trade and Plantations. Lord Culpeper's report on the Church in Virginia read (*see No. 1272*). Lord Howard to be instructed to see the laws for support of the ministry enforced; to limit the parishes and eject scandalous ministers.

Petition of Samuel Hanson read (*see No. 1040 i.*). The parties and their counsel called in. Sir P. Colleton, Mr. Edward Littleton, Colonel Wardall, Mr. Edward Bradbury, and Mr. George Hannay being sworn, testified that the usual practice at Grand Sessions in Barbados in inflicting fines was for the Governor to write down three sums on a paper, which was carried round to each of the Council, judges and justices, who made their marks against the sum that they thought fit to be imposed as a fine. The Governor then imposed the fine which had the majority of marks. Hereon the Attorney-General was ordered to consider the Act for holding Grand Sessions in Barbados, and to report as to the Governor's power to fine without concurrence of Council. Memorandum of letters sent and received. [Col. Entry Bk., Vol. CVII., pp. 210-212.]

Oct. 2.

1291. Minutes of Council of St. Christophers. Order for renewing the work on the fortifications; negroes to come to work at ten on Mondays and sunrise on other days. Proposed by Council (1) that a committee be appointed to contract with the masons and carpenters for the building of the forts and Sessions-House; (2) that overseers be appointed to those works; (3) that wood be

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procured to burn lime for the same ; (4) that the Committee be also empowered to contract for a sloop for transport of materials. Answers of the Assembly : (1.) We have appointed William Willett and Zachariah Rice. (2.) We agree. (3.) We ask for the Council's concurrence in permitting firewood to be cut in the mountains adjacent. (4.) We agree. Order that Cæsar Rodeney and James Phipps be joined to the gentlemen appointed to the Assembly for that Committee, and that they meet at Sandy Point Town next Tuesday in order to their work. The Governor's commission for the appointment of representatives for a General Assembly of the Leeward Islands, dated 1st October 1683. Joseph Crispe, James Phipps, and John Vickers of the Council, and the Speaker, William Willett, and Za:chariah Rice of the Assembly, appointed. Their instructions : (1) to ask to be excused from the General Assembly, and for St. Christophers to be governed by her own laws; (2) to ask that a fixed contingent of armed men may be appointed from every island to go to the help of the island first attacked ; (3) to petition His Excellency to move the King to give a store of firearms. [Col. Papers, Vol. L., No. 98.]

Oct. 2. **1292.** Minutes of Council of Barbados. Order for establishment of a Court of Pleas of the Crowd for the punishment of insolent, seditious and factious people, who now are encouraged to continue their evil practices through want of such a court. John Peers was absent without cause assigned.

Oct. 3. The Deputy Governor cancelled the Lieutenant-General's commission. The complaint of Samuel Newton against Sir Martin Bentley for indecent carriage at the interment of Ann, Baroness Dowager Willoughby of Parham, heard. Sir Martin confessed that, owing to the crowd of coaches, his coach was before Colonel Newton's. He had, however, punished his coachman for taking place of Colonel Newton's and intended no disrespect to the Colonel or to the Council. With this answer the Council was satisfied, and appointed that Sir Martin and his lady should henceforth not only know, but observe their places in the island. Sir Timothy Thornhill brought forward his claim to precedence as a baronet, which, being overruled, he left the Council without cause assigned. Warrants for payment of moneys due for work on the fortifications to John Merricke, carpenter, and Edmund Clipsham. [Col. Entry Bk., Vol. XI., pp. 583-597.]

[Oct. 3.] **1293.** Petition of Planters and Merchants of Jamaica to the Lords of Trade and Plantations. We are not empowered by the Island to agree to any discontinuance of the contract of the Royal African Company to furnish Jamaica with negroes, and we hear that the Company still neglects to fulfil it. The Company wish to break the contract and sell their negroes as dear as they can, though other merchants engage to supply us with from three to five thousand at a reasonable rate. We told you lately that in consequence of the small numbers of negroes lately introduced, we should need five thousand the first year and three thousand every

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subsequent year. We beg that, if the Company is allowed to break its contract and charge its own prices, it may be compelled to provide us with a sufficient number of negroes, or it will simply feed the market with just enough to keep the prices at a ruinous height. *Signed by William Beeston and five others.* 1 p. *Endorsed.* Recd. 3 Oct. 1683. Copy to the Company 3 Nov., with notice to attend 6th. [Col. Papers, Vol. LII., No. 2.]

Oct. 3 to
Oct. 9.

1294. Depositions concerning the riot at the Point, Jamaica, on the night of the 2nd October. These include first, the depositions taken before Sir Henry himself on the 3rd October, which were afterwards renewed with several others in Council. On a blank page is a woman's deposition, dated 12th October 1683, that she heard Sir Henry Morgan say one night "God damn the Assembly," also a memorandum that several depositions were taken on the 13th October. 24 pp. *Endorsed with a list of witnesses.* *Inscribed,* Reed from Colonel Beeston. 21 May 84. *The whole refers to Sir Henry Morgan's suspension from the Council. See post, No. 1302.* [Col. Papers, Vol. LII., No. 3.]

Oct. 5.

1295. Minutes of Council of Jamaica. Four bills sent up by the Assembly, viz., a further Act for Surveyors, a supplemental Act, an Act for punishment of the idle and relief of the poor, and an Act against engrossing and forestalling. The last two were read three times and passed; the first was referred to a Committee of three. Petitions and complaints from Captains Churchill and Penhallow respecting the riot of October 2nd considered. Order for all concerned in the riot to appear before the Council on Tuesday, 9th instant, and that the Chief Justice suspend all further proceedings in respect of the riot. [Col. Entry Bk., Vol. XXXVI., p. 20, 20a.]

Oct. 6.

1296. Journal of Lords of Trade and Plantations. The Acts of Virginia passed on 10th November 1682 considered (see No. 775). Act respecting freedom of Indians. The Lords think that Lord Howard should endeavour to pass a law punishing wilful murder of Indians and negroes with death. Act prohibiting export of produce referred to Commissioners of Customs. Act for disbanding the garrisons and Act about arrests to be referred to Lord Howard for report. Act for encouraging manufacture of linens and woollens, to be referred to Commissioners of Customs for report. Act of Cohabitation, to be referred to Lord Howard for report. Other Acts confirmed. The whole of the laws to be revised and a body thereof transmitted.

On reading Sir Thomas Lynch's letter of 15th April and 28th June (see No. 1136), agreed to advise the issue of a dormant commission to Colonel Hender Molesworth as Lieutenant-Governor of Jamaica. [Col. Entry Bk., Vol. CVII., pp. 213-216.]

Oct. 6.
Council
Chamber.

1297. William Blathwayt to Henry Guy. My Lords desire the report of the Commissioners of Customs on two Acts of Virginia: an Act prohibiting the exportation of iron, wood, &c., and an

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Act to encourage the manufacture of linen and woollen cloth."
 [Col. Entry Bk., Vol. LXXXII., p. 239.]

Oct. 6.
 Council
 Chamber.

1298. Report of Lords of Trade and Plantations to the King. In the matter of Sir Thomas Lynch's recommendation that a dormant commission as Lieutenant-Governor should be given to Colonel Hender Molesworth, we are persuaded that it is good, and recommend that effect be given to it. [Col. Entry Bk., Vol. XXX., pp. 165-166.]

Oct. 7.

1299. Extract from a letter of Governor Cranfield. During my stay at Rhode Island two pirates came in. Pain was one of them, with a counterfeit commission from Sir Thomas Lynch styling him one of the gentlemen of the King's Bedchamber, instead of his Privy Chamber, whereby I knew it to be forged. Colonel Dongan and I asked the Government to arrest them, but they refused. [Col. Entry Bk., Vol. LXI., p. 195.]

Oct. 8.

1300. Journal of Assembly of Nevis. The Assembly met this day and was dissolved, there being no proposals passed by His Excellency and Council. On the 13th they were sworn. [Col. Papers, Vol. LII., No. 4, and Col. Entry Bk., Vol. XLVIII., p. 25.]

Oct. 9.

1301. Journal of Lords of Trade and Plantations. The power reserved to the County Courts of Virginia of making by-laws considered. All Acts conferring that power to be repealed. Lord Howard to be empowered to pass a new Act enabling counties or parishes to make by-laws subject to approval of Governor and Council.

Sir Richard Dutton and Mr. Hanson with their counsel called in. Mr. Samuel Husbands and Mr. Edward Littleton being sworn, deposed that no paper was sent round in this case to ascertain the fine to be imposed, and that Mr. Littleton asked Sir R. Dutton to make no innovation, but that no one else objected. At Sir R. Dutton's request the further hearing was deferred, to enable him to obtain evidence as to the two further appeals of Mr. Hanson. The Lords agreed to advise that the whole matter of the first appeal be heard by the Committee, and that five months be allowed for collection of evidence. The Act of Grand Sessions to be further considered.

Memorandum.—10 October. Received this day lists of officials of the Governor's life-guard, and an account of the fortifications of Barbados. 13 October. Sir W. Stapleton's letter of 15th August received. [Col. Entry Bk., Vol. CVII., pp. 217-220.]

Oct. 9.

1302. Minutes of Council of Jamaica. Address of the Assembly delivered by Colonel Barry and nine members, assuring the Governor of their loyalty to him, and of their willingness to support him in all measures for the preservation of the peace. His Excellency returned his hearty thanks. Thereupon Colonel Robert Byndloss was charged with disrespectful carriage towards the Council, in striking Thomas Martin and using provoking language, while

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discussing the late riot, towards Colonel Molesworth. After trial, agreed *nem. con.* that he be suspended the Council, and ordered to leave the town in an hour's time on pain of committal. Adjourned to the afternoon. The supplemental Bill read thrice and referred to a Committee of three. The Chief Justice gave his opinion that the Governor could release Captain Penhallow from the recognisances imposed by Sir Henry Morgan. The depositions taken before Sir Henry Morgan, and other depositions, read, and agreed that there was no ground for his proceedings. Recognisances therefore discharged. Enquiry into the riot continued. Adjourned to the morrow.

Oct. 10. Petition of masters of ships read, certain dimensions for the hogshead suggested by the Council to the Assembly. Captain Musgrave and Mr. William Archbold summoned for to-morrow morning. Bill for ordering of slaves, with the Council's amendment, returned by the Assembly, read thrice and passed. The bill for Surveyors read thrice and passed with an amendment, and sent to the Assembly, also the second bill on the same subject likewise.

Oct. 11. The Supplemental Bill returned to the Assembly with amendments. Captain Musgrave examined respecting the proceedings at the inquest on Edward Flood. Message from the Assembly to alter an amendment of the Council in the Supplemental Bill agreed to. Question put whether the passions and irregularities of Sir Henry Morgan did not disqualify him from continuing in his offices under Government. Sir Francis Watson and Colonel Ballard prepared his demission that he might with all regret be laid by. Sir Henry declared, however, that he would wait on the Council next day.

Oct. 12. The Governor charged Sir Henry Morgan with disorder, passions and miscarriages at Port Royal on various occasions, and for countenancing sundry men in disloyalty to the Governor. Sir Henry replied that he hoped he should not be charged with the faults of others. Put to the question, whether it be to the King's services that he be continued in any employment, and carried in the negative. Sir Francis Watson and Colonel Ballard would have continued him in the Council, but deprived him of all other commands. They also tried to defend him against the Governor's statement, that he had cursed the Assembly, which, however, was proved on oath by Mrs. Wellin. Sir Henry Morgan dismissed from all commands accordingly.

Oct. 13. Message from the Assembly with sundry bills. First Act for surveyors, with amendments, agreed to; second Act, with amendment, not agreed to; Supplemental Act, with amendments, agreed to. All of which were read and passed. Bill for vacating the naturalisation of Peter Paine read twice; also a bill for vacating sundry irregular grants. Bill for encouraging shipping read thrice and passed. A second message from the Assembly with two more bills. Several further depositions respecting the riot, and incriminating Captain Charles Morgan. Ordered that he attend on Tuesday 16th. [Col. Entry Bk., Vol. XXXVI., pp 21-26.]

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Oct. 10.
Falmouth.

1303. Journal of the Council and Assembly of Antigua. Letter from John Vernon, Speaker of Assembly, to the President and Council, asking for a day of public humiliation and thanksgiving for deliverance from a hurricane and for fine weather. The Assembly will not consent to any alteration of the Act of Extent. Answer of the President and Council. Thursday, 19th October, is to be the day of thanksgiving. The Council desires the Assembly's further consideration of the latter clause in the paper respecting the Act of Extent, conceiving it to be more agreeable to justice and to the credit of the island. [Col. Papers, Vol. XLIX., No. 81.]

Oct. 10.

1304. Lords Proprietors of the Bahama Islands to Governor Robert Lilburne. We learn from two letters to Lord Shaftesbury that there is a great number of privateers about your islands. The Governor of Jamaica has always men-of-war with him, so you will keep him fully informed as to these privateers and their movements. We have informed the Privy Council of our order to you to arrest Mr. Clarke. A frigate may speedily be with you to take charge of him. You will issue no commissions against the Spaniards, but report their depredations to us. As you think one-fifth of the perquisites of the royalties of the island will, if taken, bear hard on the people, we consent to take one-sixth only, and from Brasiletta one-tenth. We have appointed Isaac Rush to be Secretary. Signed, Craven, Albemarle, Bath (for Lord Carteret), Pr. Colleton. [Col. Entry Bk., Vol. XXII., pp. 14-15.]

Oct. 10.
Council
Chamber.

1305. William Blathwayt to Sir Christopher Musgrave. Forwarding account of the Military Stores in Virginia. *Annexed is the account, giving a list not only of the articles, but of the value set on them.* Total value, 556l. 8s. 8d. Signed, John Page, Otho Thorp, James Archer. 3rd March 1682-83. List of arms for Lord Culpeper's company, 28th October 1678, and of equipment sent with him 6th December 1679. Among the items are bayonets (*sic*). [Col. Entry Bk., Vol. LXXXII., pp. 258-263.]

[Oct. 10.]

1306. Narrative of the rebellion in New Hampshire in 1682, presented by Edward Randolph. The King's Governor arrived in October 1682, and on the 14th November a General Assembly was called, but adjourned on the 9th January following, the Governor being unwilling then to break with them. Later on the Governor with Major Walderne, Mr. Moody and others went to Boston, where he was civilly entertained, his object being to feel the temper of the people. The case of the ketch George soon showed it to be unchanged. Mr. Hammond, Moody's brother-in-law, came to Portsmouth in the extremity of the bad weather on 19th December, having two or three days before declared that he would not go thither till the spring. The result was that the ketch was allowed to escape. The Governor displaced Captain Stileman for this and put Captain Barefoot into his place. It was given out by many that the master and sailors had run away with the ketch without the owner's knowledge, and indeed the owner, Jefferies, avouched as

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much. The faction hoped by these means to persuade the Governor to take no further notice of the matter. I had, however, knowledge that some of Jefferies' servants had been hidden away in Maine, and they, being found, confessed that Jefferies had contrived the whole matter. At the trial the jury first found against the King, but being threatened with attainder under an Act of Henry VIII. amended their verdict. On the 9th January the Assembly met. They not only rejected or transformed the Governor's bills, but insisted on their claim to nominate judges and appoint Courts of Judicature, which is a right vested in the Governor by his Commission. Being wholly recalcitrant they were dissolved, and then Edward Gove, seizing upon the Governor's commission from the Duke of York, said that, the Duke being a papist, there was a design to introduce popery. He discoursed of his plot with Mr. Martyn and Captain Hall, the latter of whom informed the Governor, and Gove was apprehended at the head of a small party of horse. When brought before the Council he behaved very insolently. At his trial he confessed the fact, but justified himself by saying that the Governor's commission had been signed in Scotland and was therefore invalid. He was convicted and sentenced. Gove was condemned and the others respite. *Here follows a copy of the address of the Bostoners to the King, and of the directions as to signing the same (see ante, No. 1100). The whole, 4½ pp. Endorsed.* Recd. from Barbados, 10 Oct. 1683. [Col. Papers, Vol. LII., No. 5.]

- Oct. 12. **1307.** Minutes of Council of Virginia. The President produced his orders to the military commanders against the Indians which were approved. [Col. Entry Bk., Vol. LXXXIV., pp. 183.]
- Oct. 15. **1308.** Sir Christopher Musgrave to William Blathwayt. Acknowledging receipt of account of stores received from Virginia. ¼ p. *Holograph.* [Col. Papers, Vol. LII., No. 6.]
- Oct. 15. **1309.** Journal of Lords of Trade and Plantations. Draft instructions to Lord Howard of Effingham read. Colonel Philip Ludwell to be ranked sixth or seventh in the Council of Virginia. A clause to be added reserving all fines and forfeitures to the King, and enacting that all money granted by the Assembly to the Governor shall be given to the King for the use proposed, with power to the King to dispose of it to such other uses as may be mentioned in the Act. The power of repealing laws to be left as in Lord Culpeper's instructions, and a clause touching by-laws to be added. A clause to be added respecting a house for the Governor. The instructions thus amended to be submitted to Lord Howard for his suggestions. Memorandum of letters received. [Col. Entry Bk., Vol. CVII., pp. 221-223.]
- [Oct. 15.] **1310.** Petition of Sir Richard Dutton to Lords of Trade and Plantations. Petitioner hears that you intend to declare his setting of the fine against Hanson to be illegal, and would be glad to

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know if the money is to be repaid or kept until the cause be re-heard at the Board. He is also informed of your intention as to the indictment and conviction of Hanson for stealing guns. Petitioner being in no way concerned in that cause, except in his official capacity, begs that proper persons may be appointed to carry on that prosecution on the King's behalf, and that in this cause, as well as in the two last appeals, authentic certificates and affidavits may be admitted as evidence, since it is impossible to bring over all the necessary witnesses. Again, he would plead that the five months granted for bringing his proofs from Barbados is insufficient. He never in all his time received answers to his letters in less than seven months, and often longer. And since the first cause is to be re-heard, the time for the case should be considered with reference to the two appeals. Petitioner also begs for some time to be appointed for consideration of the present state of the Government of Barbados, and of the uncertain state of his powers. 1 p. *Inscribed.* Reed. 15 Oct. 1683. [Col. Papers, Vol. LII., No. 7, and Col. Entry Bk., Vol. VII., p. 200.]

- Oct. 16. 1311. Minutes of Council of Jamaica. Bills for revoking naturalisation of Paine, and vacating irregular grants, read a third time and passed. Captain Morgan called in. Several affidavits against him read, to which the Governor added that he had already discharged him from the place of aid-major for violating the guards, beating the captain and other irregularities. Captain Morgan replied that he could not answer for the faults of others. The Council unanimously voted him guilty, and his commission as Captain of the Fort was cancelled. Captain Peter Beckford appointed in his place.
- Oct. 17. Two new bills sent up by the Assembly. Roger Elletson brought before the Council and charged with malicious disturbances of the justices at sessions, with consorting with lewd fellows, and other charges, to which he gave no answer. The Council voted that he be suspended from practice in the Courts of the Island, and find security, himself in 1,000*l.*, and two sureties in 500*l.*, for good behaviour. He the same day produced his sureties. Message from the Assembly with the Revenue Bill, which was read twice.
- Oct. 18. Revenue Bill read a third time and passed. Thomas Ballard, returned member for St. Catharine in the room of Edmund Duck deceased, sworn. Order for Peter Paine, who ran away with the ship La Trompeuse, to be transported to Petit Guavos and delivered to the Governor. Agreed that a post office for foreign letters, and also for an inland post, be erected in the Island. A Bill to open old paths to public watering-places read twice and returned to the Assembly with amendments. Order making Port St. Thomas and old harbour into ports of entry.
- Oct. 19. The royal assent given to nineteen Acts, public and private. The Speaker delivered an address to the King. The Governor made a speech. Order for payments to the officers of the House. Adjourned *sine die*. Letter of the Clerk, transmitting the

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Minutes from 5th September to 19th October. [Col. Entry Bk., Vol. XXXVI, pp. 26-31.]

Oct. 17.
Newmarket. 1312. William Blathwayt to Sir Leoline Jenkins, enclosing an account of the destruction of the pirate La Trompeuse by H.M.S. Frances at St. Thomas. *Holograph.* 1 p. *Annexed,*

1312. I. The account referred to. *This gives no fresh details of the action, but adds at the close:* We hear from Porto Rico that the Spaniards have taken and hanged the pirate Laurens and his crew last week. There is now no pirate abroad but Bond with a small ship and one hundred men. He is expected at St. Thomas where Captain Carlisle is ready for him. $1\frac{1}{2}$ pp. *Copy.* *Unsigned.* Dated 18th August 1683. [Col. Papers, Vol. LII, Nos. 8, 8 I.]

Oct. 18. 1313. "A true and perfect narrative and relation of all the horrid and villainous murthers, robberies, spoils, and piracies committed as well in the American as the African seas by John Hamlyn, a Frenchman, who was commander of a French ship of thirty guns called La Trompeuse," delivered upon oath by Thomas Phips before Edwyn Stede. Deposition of Thomas Phips late of the ship Thomas and William, Richard North commander, in the service of the Royal African Company. In January the ship sailed from Barbados for Jamaica, having touched there with a cargo of slaves from Africa. Off Hispaniola, near the Isle of Ash, spied a ship standing towards us, which, coming up, ordered Captain North to strike, hoist out his boat, and come aboard, at the same time firing a volley of small shot and the great guns. North answered the fire, but was perplexed, some of the crew saying that this was an English frigate firing to make him strike his topsail-yard. Some of the crew hauled down the colours, while others presently re-hoisted them. North presently hoisted out the boat and sent his mate aboard the ship. There the commander, a Frenchman called John Hamlyn, told him that he was a pirate, and that if North did not at once yield his ship he would board him and give no quarter. They then clapped the mate in the hold, and put hand-vices on his thumbs to make him confess what they had on board. Hamlyn then sent the boat back with a message to North to yield. North called his crew together; some were for fighting, others for yielding. The pirate ranged up meanwhile and fired more shots, killing one man and wounding another. The captain was then sent on board the pirate; the whole of the crew was brought away except ten, and the prize manned by the pirates. They then made for a bay in Hispaniola, where they tortured the mate, the doctor, and all the rest of the men, squeezing their thumbs and privy members in vices, hanging them up in the brails by their hands tied behind them; and so found out what riches they carried. They then took all the guns and the best of the tackle and of the negroes, pressed Phips into their service as carpenter, carried off two more of North's men who came

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voluntarily, and putting North on board his ship bade him begone. Shortly after, the pirate captured a pink from New England, and some of their men then left the pirate, which was called La Trompeuse. The pirate then made for St. Thomas, where she took a sloop from Jamaica, one of the crew whereof joined her, and in St. Thomas Harbour found two Guinea ships and a French man-of-war. The Frenchman weighed and sailed out in company with the two Guinea ships. The pirate followed, and coming up with one of them opened fire. The man-of-war hailed and asked how she dared fire at ships flying French colours? The pirate answered that he was a robber; but after exchanging a few hard words they saluted each other and so parted. The pirate then went back to St. Thomas and asked if the Governor would permit him peaceably to come into the port at his voyage's end. The Governor replied that he might freely come in and sent refreshments to the pirate, who, in return, sent him silks and satins and arranged with him a private signal. Soon after, the pirate saw a ketch coming in and captured her. She proved to be from Nevis, coming to cut wood, and had little on board; but the captain was tortured to find out what he had, and all that he had was taken. Then, having taken in wood and water and tallowed the ship, the pirates stood across for the coast of Guinea with a pilot picked up at St. Thomas. At the beginning of May they made Sierra Leone, and followed down the coast, generally anchoring at night, for they understood the coast to be full of ships. Their first prize was a Dutch interloper, from which they took all that they wanted and turned her into a fire-ship. They sold the goods to negroes for 2 lb. weight of gold. Next day we saw a large ship at anchor. The pirate as usual flew the King's Jack and pendant like an English man-of-war. The ship as she came near struck her colours and saluted; the pirate returned the salute and then anchoring before her forefoot poured in a volley and a broadside. She cut her cable, but could not escape, and was captured. She was a Flushinger, an interloper of twenty guns, with seventy pounds of gold on board and abundance of liquor. Everything was taken, and the prize turned into a pirate consort. Cruising on in company they came upon the interloper Sevenoaks, which, seeing them plying to and fro, thought they needed something and came to their relief. The La Trompeuse ordered the master to come on board, and on his refusal sent on board to fetch him, tortured him exceedingly, took all that he had, which was not much, and sunk the ship. Next day they took another interloper with some small quantity of gold, took everything out of her, put all the prisoners on board, and bade them begone to leeward. Next day passed Cape Coast Castle, saw first a pink and towards night two ships at anchor. Took them all three with little difficulty on the morrow; they tortured the men and got about twenty pounds weight of gold. Stood on for Accra, but overshot it, and went on towards Wheda. Captured three boats full of trading goods; took all the goods and men and sunk the boats. At Little Poapaw found an interloper at anchor, took her without

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resistance, and plundered her. Went on to Wheda, where found three of the African Company's ships. Drew near one, disguised as an English man-of-war, and poured in a broadside. The ship cut her cable and tried to sail out, whereupon the pirates boarded her, cutting down men right and left, captured her, and sent the men on board the pirate, where they tied the men up so tightly for the night that they were in torture. They found one chest of gold of fifty pounds weight, and, hearing of another, shot the gunner dead and flogged the rest of the men to make them confess where it was. They then sent on board another of the ships, which had been abandoned, and took 150 pounds weight of gold. The third ship cut her cable, and running ashore was wrecked, but the men saved the gold and took it ashore. The pirates then refitted and went off the coast to Cape Lopus, and in a few days came up with a large ship of the Dutch West India Company, mounting twenty guns. She surrendered without resistance, but had little on board but slaves. The pirates did not torture the Dutch, favouring them more than the English. Off Cape St. John's the pirates landed and divided the gold taken on the voyage, where, owing to quarrels, the company divided, and some went for the West Indies in La Trompeuse, and the rest in the other ship made for Cape Lopus. Before they parted they captured an interloper and a ship of the Royal African Company, and took what gold they had. La Trompeuse then sailed to Dominica, where forty men left her, and she kept but sixteen white men and twenty-two negroes on board. The blacks rose against the whites, but were beaten back with loss of three killed; and on 27th July the ship came to St. Thomas and made the private signal, and was admitted. They took their treasure ashore and were very kindly received by the Governor. H.M.S. Francis came in two days later, and was fired at both by the pirate and the forts. Hearing what ship the pirate was he set her on fire, and she blew up. Sworn before Edwyn Stede, 18 October 1683. 19 pp. [Col. Papers, Vol. LII., No. 9.]

Oct. 18.

1314. Duplicate of foregoing. [Col. Papers, Vol. LII., No. 10.]

Oct. 18.
Newcastle
(Delaware).

1315. Declaration of William Penn. That he has bought of Machaloha all his land between Delaware River, Chesapeake Bay, and Susquehanna River, and warns all existing settlers to behave themselves, and all other persons not to settle without leave. *Signed, Wm. Penn. With the seal of Pennsylvania, a poor impression.* 1½ pp. Endorsed. [Col. Papers, Vol. LII., No. 11.]

Oct. 19.
New Hampshire.

1316. Governor Cranfield to Sir Leoline Jenkins. One, Mr. Wharton, brought a commission hither from the King to examine the claims to the Narragansett country. The Commissioners met on 22nd August at Mr. Richard Smith's house and ordered claimants to attend. All came except the Rhode Islanders, who sent word by their Marshal that we were an unlawful assembly. We proceeded with our work, and find that Mr. Wharton, Mr. Hutchinson, and several other gentlemen at Boston, are fair purchasers of Ninnicraft,

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the Indian King. The temper and methods of Government in Connecticut and New Plymouth is the same as in Boston, as corrupt but more ignorant. If the King take them into his hands as well as Boston it will effect a general reformation. There is matter enough to furnish the Attorney-General with grounds for cancelling their charters. If the King knew what a mean and scandalous sort of people the Rhode Islanders are, I doubt not that he would prosecute their charter also. In my opinion no reformation can be expected so long as the college at Cambridge sends forth trumpeters of sedition among the vulgar. I am credibly informed that they knew of the late horrible plot against the King. I appointed a day of thanksgiving for the King's deliverance, but the thinness of the congregations showed the general sentiment. Had I the power to search some of the ministers' and bigot laity's papers, I doubt not but that proof would be found of their complicity. Otherwise they would not have been so backward in obeying the King's orders, nor let fall words (as some of them did six months ago) that great troubles were coming in England. They counted upon such trouble to distract attention from their charter, as, indeed, happened in the late King's time. A quo warranto was brought against them just before the civil war broke out, and they were encouraged by this to look for the like again. The ministers clamour loudly against the Church of England, and until the English Universities supply us with a clergy there will be no true loyalty to the King. *Signed, Edw. Cranfield.* *Postscript.*—I enclose three Orders of Council. They are absolutely necessary, but the Assembly would not pass them into laws. $1\frac{1}{2}$ pp. *Endorsed,*

- 1316. i. Order of the Governor of New Hampshire in Council for raising the value of foreign coins. 4th October 1683. *Signed, R. Chamberlain.* $\frac{1}{2}$ p. *Endorsed.* Recd. 29 February 1683-84. Read 10 June 1684.
- 1316. ii. Similar Order for regulating the thickness of pine boards. $\frac{1}{2}$ p. *Dated, signed, and endorsed as the foregoing.*
- 1316. iii. Similar Order for restraining the illicit trade with Massachusetts. 1 p. *Dated, signed, and endorsed as the foregoing.* [Col. Papers, Vol. LII., Nos. 12, 12 i.-III.]

Oct. 19.

1317. Sir Thomas Lynch's speech on adjourning the Assembly of Jamaica. I thank you not for your prudence as legislators, but for your loyalty in supporting me to seclude from the Government the turbulent, uneasy, and insolent [Sir Henry Morgan and others, see Nos. 1303, 1311] from the Government. You have acted dutifully in passing the Revenue for twenty-one years in spite of the opposition of a troublesome faction. I speak not from personal motives, for the expense and additional appropriation is a little hard on me, and may hinder the payment of my salary. Still I am well pleased, and I venture to say that the King will be so well pleased that he will make Assemblies as frequent as Councils. The Lords of Trade have promised as much. We may trust the King to do what is just for us in the matter of the negroes; I am

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sorry that it should be whispered that I have urged this from partiality to the Royal African Company. I dare not prorogue you at the present time; but go to your estates for a few weeks at any rate and adjourn. 3½ pp. *Draft. Endorsed.* Recd. 24 Feb. 1683-84. [Col. Papers, Vol. LII., No. 13, and Col. Entry Bk., Vol. XXX., pp. 194-201.]

[Oct. 19.]

1318. Address from the Council and Assembly of Jamaica to the King. Expressing the greatest horror of the conspiracy against him and the Duke of York, and joy at his escape. Information (very brief) as to the business of the past Session, and thanks for the passing of the laws and the frigates. *Signed, Samuel Bernard, Speaker, Fra. Hickman, Cl. Concil. Large sheet. Inscribed and endorsed.* Recd. 9 April 1684. [Col. Papers, Vol. LII., No. 14, and Col. Entry Bk., Vol. XXX., pp. 201-203.]

Oct. 19.
Newport,
Rhode Island.

1319. The Governor and Court of Rhode Island to the King. We received your former Commissioners gladly, but the present will not show their commission. It was our earnest desire to have treated Governor Cranfield and his associates as well as the former Commissioners. I had all documents ready, but not being allowed a sight of the commission could not but prohibit our people to attend them. Copy of the summons of the Commissioners and of our prohibition are enclosed. *Signed, William Coddington. 2 pp. Endorsed.* Recd. from Mr. S. Godolphin, 24 July 1684. *Annexed,*

1319. 1. Summons of the Commissioners to enquire into the claims in the Narragansett country. *Broad sheet, printed. 1 p. Endorsed.* Recd. 4 Feb. 1684. [Col. Papers, Vol. LII., Nos. 15, 15 1., and Col. Entry Bk., Vol. LXI., pp. 207-209.]

Oct. 19. **1320.** Governor Cranfield to Lords of Trade and Plantations. New Hampshire. Since Mr. Randolph's brother's departure I have spent all my time at Narragansett. On 22nd August we, the Commissioners, met at Mr. Richard Smith's house, having previously summoned the various Governments and jurisdictions. All appeared except Rhode Island, who, on the day of our meeting, met in General Court and sent a letter by Captain John Greene to prohibit our proceedings. We nevertheless continued our work, and we asked him to hear the King's Commission read, when he would know by what authority we met there. He refused either to see or to hear it, and no sooner returned to Court but a marshal was sent to proclaim us an illegal assembly, thus showing so much disrespect to our Commission as might, but for our moderation, have led to mischief. They are a people utterly incapable of managing a Government. The enclosed will sufficiently show their injustice and maladministration. Their former agents, Holden and Greene, set forth, in a petition to the King, that their troubles befell them owing to their consonancy with the Church of England, but they are well known to be far from that Church. As to their purchase of all the land of Rhode Island, Providence, and thereabouts from

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the Indian Kings, it was only during the life of William Coddington and his friends, and there are but two alive now that can be called his friends. The purchase, not being made in the name of the Government and its successors, must necessarily devolve upon the King. When the King's Commissioners sat at Narragansett in 1664 it was then called the King's province. They wrested all the lands from the neighbouring colonies in Colonel Nicholls's absence, without whom there was no quorum, so consequently the Act is invalid; nor, indeed, did Sir R. Carr, Colonel Cartwright, and Mr. Maverick make any determination; they only appointed two justices of Rhode Island to be conservators till the King's pleasure were known. I recommend the petition of Thomas Partridge, a poor helpless man whom they keep out of his father's possessions. One Christopher Almy, and several others, will address you for relief, for their records are so kept as to be inaccessible except at cost of much money and time. When Mr. Randolph first came to these parts as Collector he brought a commission empowering himself and several others, with the magistrates of Rhode Island, to administer the oath to the newly-elected Governors to observe the Acts of Trade. He left the commission behind him, and the oath was administered by one Mr. Brindley until May 1682, when the Governor, one Pelcg Sanford, who is going home as Agent with Captain Arthur Fermer, refused to take the oath before Brindley, and, though he took it after he was withdrawn, never returned the commission. I hear that the Assembly has passed an Act for the keeping of it according to their minds. Their laws are repugnant to the laws of England, confusedly kept and not public, so it is hard to see them. They refuse the laws of England, telling the people that they have laws of their own making, and they are under no oaths, for they will not swear their Deputies. I might say much more of the corrupt and unjust proceedings of the Government. The persons that come over are declared enemies of the King and the Duke of York, and carried themselves disrespectfully to the King's commission. To speak impartially, the Colonies have not in their actions given sign of any other feeling, and never will until their charters are broke, and the College of Cambridge utterly extirpated, from whence these half-witted philosophers turn out either atheists or seditious preachers.

Signed, Edw. Cranfield. 1½ pp. Annexed,

1320. i. Petition of Thomas Partridge to the King. My father, Alexander, was an inhabitant of Rhode Island in 1651, and was wrongfully kept out of his house and habitation by one Nathaniel Dickens. My father brought an action against Dickens and recovered the house, but Dickens, being ill-content, resorted to force and tried to break into the house while my father defended it. In the fight that ensued a man was killed, and the Governor, who lived close by, endeavoured to disperse the people, promising that Alexander Partridge should be brought to legal trial. But in their rage they formed a Court of his enemies, condemned him to die, shot him, and put Dickens in

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possession of the house and land. I was reduced to great straits but managed to live, and last year I sued in the Courts of Rhode Island for my father's house, but could not get a hearing. I beg your Majesty's interference. I can prove my right and the truth of this petition. *Dated 15th September 1683. Signed, Thomas Partridge. 1 p. The whole endorsed. Recd. 29 Feb. 1683-84. [Col. Papers, Vol. LII., No. 16, 16 i., and Col. Entry Bk., Vol. LXI., pp. 195-197.]*

Oct. 20. **1321.** Mr. J. Brisbane to William Blathwayt. With reference to the complaint of Lord Culpeper against Captain Tyrrell for carrying away a servant from Virginia, I enclose copy of a letter from Captain Tyrrell to the Admiralty (*see ante*, No. 983). *Signed. 1 p. Endorsed. Rec. 22 Oct. [Col. Papers, Vol. LII., No. 17, and Col. Entry Bk., Vol. LXXXII., p. 243.]*

Derby House. Oct. 22. **1322.** Sir Richard Dutton's report on the case of Thomas Forrester (*see ante*, No. 1227 i.). Mr. George Hannay informs me that he did take a house from Forrester for a gaol after the destruction of the common gaol by the hurricane of August 1675, but made no agreement for the rent thereof. Forrester petitioned the Governor, Council, and Assembly for the payment of the rent, but the Assembly, on my motion, answered that the King was to build and maintain a gaol out of the four-and-a-half per cent. duty. As to the rent, I recommend that some discreet persons in Barbados may be called upon to value it; and I may add that before my departure from Barbados, I appointed 100*l.* to be paid to Forrester on account. *Signed, Ri. Dutton. 1 p. Endorsed. Recd. 22 October. Read 13 November. Approved in Council, 13 December 1683. [Col. Papers, Vol. LII., No. 18, and Col. Entry Bk., Vol. VII., p. 240.]*

[Oct. 23.] **1323.** Reasons advanced by the Royal African Company why the law of Jamaica fixing the price of negroes at eighteen pounds a head should not be continued. When the Royal Company was convened before the King in November 1680, it agreed to supply three thousand negroes annually at 18*l.* a head. The Jamaicans turned this into a law, which remains suspended during the King's pleasure. We, the Company, now begged to be released from that agreement, because the terms which were then advantageous are now the reverse. The number of interlopers increases; negroes cost a third to a half more than they did, and are difficult to procure. There is also a loss on the exchange from Jamaica. If it be objected that times may improve, we answer that in that case we shall be ready to lower our rates. We are taxed with having failed to supply the stipulated number. We have made provisions in ships and goods for the full quantity, but many ships have been unable to procure negroes, and after lying many months have left with but half their load of negroes, though with cargo all dispersed. Also, we have often lost a half to a third of the negroes shipped.

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Even if we had procured all the negroes we wanted, many commanders positively refuse to go to Jamaica in consequence of the laws. As the objection that if our price were not limited, we might, being monopolists, make it ruinous, we answer that we enjoy far fewer advantages than any other joint stock company. Negroes are not only very chargeable and perishable, but it is impracticable to keep any quantity unsold for many days; we must part with them for what we can get. Again, our accounts will show that we have pushed our trade so far and supplied all plantations so fully that our factors, some of them, write to us to desist. If the planters of Jamaica are short of supply it is their own fault. We should gladly have furnished them as well as the rest, but their light money must pass, else there are no payments, and they can charge what they please for their goods, whereas we are limited. If they object that our stock is too narrow, we answer that the Colonies have made it so, for they now owe us over 130,000*l.* We hope that the King, having incorporated us, will not subject us to terms which must be our ruin. We are envied for our advantages, yet our members have not had so much as interest on their money, though no stock has been managed with more faithfulness and care. Some pretend that if the trade were thrown open, it would be for general advantage. If they consider that the inhabitants with whom we trade, are such that no peace or correspondence could be continued with them without forts, and that strong foreign companies, particularly Dutch, are ready to take our forts if we abandon them, they will see their error. The success of a few interlopers may persuade unthinking men, but if the trade were abandoned to them it would soon cease. We beg therefore to be allowed the same liberty as others. Jamaica will profit by it as well as ourselves. *Unsigned. Endorsed.* Recd. 23 Oct. Read 30 Oct. 1683. 5½ pp. [Col. Papers, Vol. LII., No. 19, and Col. Entry Bk., Vol. I., pp. 96-105.]

Oct. 24. **1324.** Order of the King in Council. Referring the matter of the appeal in Walter *versus* Wadleigh to the Lords of Trade and Plantations for examination and report. *Signed.* John Nicholas. ½ p. *Endorsed.* Recd. 3 Nov. 1683. Read the 6th. Dismissed 20 Dec. 1683. [Col. Papers, Vol. LII., No. 20, and Col. Entry Bk., Vol. LXVII., p. 96.]

Oct. 24. **1325.** Instructions to Francis Lord Howard of Effingham, Governor of Virginia. Seventy-nine clauses. 2. Lord Culpeper's nominee, John Lear, is appointed Councillor. 27. A special clause for the support of the Church and maintenance of ministers. 46. All grants exempting planters from quit-rents are void. No man to take up more land than he can cultivate. 51-52. Tables of marriages and books of the homilies to be in every church. 54-56. Clauses to protect the Royal African Company. 57-58. Clauses for protection of Spaniards. 68. Certain Acts (complained of by Lord Culpeper) to be repealed. 73. A Government House to be built and a model thereof sent home. 77. Proceedings of the

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President and Council since Lord Culpeper's departure may be confirmed or disallowed as Lord Howard thinks best. [Col. Entry Bk., Vol. LXXXII., pp. 205-237.]

Oct. 24.
Whitehall. **1326.** Order of the King in Council. That a warrant be prepared granting licence to Lord Howard of Effingham, Governor of Virginia, to leave Virginia for any of the neighbouring Colonies if he see cause, provided his own Government be quiet and his absence do not exceed two months in the year. *Signed*, John Nicholas. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. LII., No. 21, and Col. Entry Bk., Vol. XCIX., p. 242, and Vol. LXXXII., p. 245.]

[Oct. 24.] **1327.** Duplicate of Lord Howard's proposals (*see ante*, No. 1273) with a minute at the foot. Derby House, 24th October. If the King see fit to send a vessel to Virginia, a ketch of about the force therein mentioned will be fit for that service. *Signed*, J. Brisbane. *The whole*, 2 pp. *Endorsed*. Read 30 Oct. 1683 [Col. Papers, Vol. LII., No. 22, and Col. Entry Bk., Vol. LXXXII., p. 249.]

Oct. 24.
Whitehall. **1328.** Minute of the Privy Council. The oaths of supremacy allegiance, and office were this day administered to Lord Howard of Effingham on his appointment as Governor of Virginia. Form of the oath. [Col. Entry Bk., Vol. LXXXII., p. 244.]

Oct. 24. **1329.** The Bishop of London to Mr. Mearn, "at his house in Little Britain." Ordering him to deliver to Lord Howard of Effingham for Virginia, 39 Bibles, fol. L. P. Camb. calf, 39 Common Prayers, fol. calf, 39 books of Homilies, fol. calf, 39 books of Canons, quarto stitched, 39 books of the Thirty-nine Articles 39 Tables of Marriages. One of each beforehand to Lord Howard. [Col. Entry Bk., Vol. LXXXII., pp. 263-264.]

Oct. 25.
Treasury Chambers. **1330.** Henry Guy to William Blathwayt. Transmitting the copy of Lord Howard's proposals with the Admiralty's Minute (*see* No. 1327). $\frac{1}{4}$ p. *Endorsed*. Read 30 Oct. 1683. [Col. Papers, Vol. LII., No. 23, and Col. Entry Bk., Vol. LXXXII., p. 250.]

Oct. 25.
Antigua. **1331.** The Deputy Governor and Council of Antigua to Sir William Stapleton. On perusal of the Act for confirmation of the several persons on their lands in these Islands, we find Antigua excepted on the ground that there is already such an Act. We know of no such Act and see no reason why Antigua should be excepted. We have offered it to the consideration of the Assembly, which seems averse to it, we know not why, and we conclude their reason to be private and without reference to the general good. We beg you to press the matter on the present General Council and Assembly, and beg the King for his confirmation thereof. *Signed*, Ed. Powell, Will Barnes, J. Parry, John Fry, Fran. Carlile, Nich. Raynsford, Jno. Vernon, J. Winthrop. 1 p. *Endorsed*. Reed. 4 June 1684. [Col. Papers, Vol. LII., No. 24, and Col. Entry Bk., Vol. XLVII., p. 139.]

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Oct. 25.

1332. Journal of Council and Assembly of Antigua. The Governor and Councel approved the report of the Committee respecting the port at Falmouth. [Col. Papers, Vol. *XLI.*, No. 81.]

Oct. 26.
Whitehall.

1333. Order of the King in Council. Referring the petition of the merchants of London trading to the Leeward Islands to the Lords of Trade and Plantations for their report. *Signed,* John Nicholas. $\frac{1}{2} p.$ *Annexed,*

1333. I. Petition of the merchants of London trading to the Leeward Islands to the King. A law has lately been made at St. Christophers which, in effect, leaves the debtor at liberty to pay, or not to pay, his debts at his will, and we have reason to fear that the inhabitants of the other Islands will try to obtain a like Act to the ruin of petitioners. Pray the King's consideration. *Thirty-three signatures.* *Copy.* *Certified by* John Nicholas. $1 p.$ *Annexed,*

1333. II. An Act of St. Christophers for the speedier payment of debts. *Copy.* *Certified by* John Fox, Secretary. $1 p.$ *Endorsed.* Recd. 6 Nov. Read 6th and 13th November 1683. [Col. Papers, Vol. *LII.*, No. 25, and Col. Entry Bk., Vol. *XLVII.*, pp. 112, 113.]

Oct. 26.
Whitehall.

1334. Order of the King in Council. That a copy of a petition of Samuel Hanson be delivered to Sir Richard Dutton for his reply, and to the Lords of Trade and Plantations for consideration. The Lords shall take special care to complete the examination of George Hannay before he leaves for Barbados. *Signed,* John Nicholas. $\frac{1}{2} p.$ *Annexed,*

1334. I. Petition of Samuel Hanson to the King and Privy Council. Recounts previous history of the case. The first cause was heard on the 2nd and 9th October, but the hearing of the two latter put off at Sir Richard Dutton's instance for five months. Sir Richard and George Hannay, who has demurred to several of petitioner's questions, are returning to Barbados, which will cause petitioner to be detained in England six months longer, to lose Mr. Hannay's evidence, and to suffer prejudice in Barbados, where no witness will dare to swear against the Governor nor any judge or justice to take their depositions against him. Moreover, Sir Richard Dutton has done several other things against the King's interest and contrary to law, which petitioner asks opportunity of proving to the Committee. Petitioner therefore asks leave to prosecute Sir Richard at common law to recover the damages he has wrongfully sustained before his departure, being contented that he have bail for six months till he produce his witnesses; also that George Hannay's examination be perfected before his departure; that Commissioners may be appointed in

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Barbados to examine witnesses on both sides, and that Mr. Stede, Mr. Davers and Mr. Newton, of the Council of Barbados, may be examined on oath. 2 pp. *Endorsed.* Recd. 30 October 1683. [Col. Papers, Vol. LII., Nos. 26, 26 I., and Col. Entry Bk., Vol. VII., p. 200.]

Oct. 26. 1335. Commissioners of Customs to Lords of Trade and Custom House. Plantations. We have considered Lord Howard's proposal to send a ketch to Virginia (*see ante*, No. 1273). We would remind you that on 23rd January 1682 we suggested that all the king's ships, and especially those going towards the West Indies, should have instructions to seize all vessels infringing the Act of navigation; we think that the appointment of a ketch to be stationed permanently at Virginia will be greatly for the good of the King's customs in England, so she receive instructions from us and be under the orders of our surveyor and collectors in Virginia and Maryland, subject, of course, to the Governors of those Colonies. If the King decide to send a ship we beg for timely notice, that we may prepare suitable instructions for her commander. We take the opportunity to suggest that a similar ketch might be sent to the West Indies, and that the men-of-war at Jamaica might also help our officers in that Island. *Signed*, Ch. Cheyne, And. Newport, J. Butler, G. Downing. 2 pp. *Endorsed.* Read 30 Oct. 1683. [Col. Papers, Vol. LII., No. 27, and Col. Entry Bk., Vol. LXXXII., pp. 250-252.]

Oct. 26. 1336. The same to the Lords of the Treasury. We have considered the two Acts of Virginia sent us by Mr. Guy, the one to prohibit the exportation of iron, wool, &c., the other to encourage the manufacture of linen and woollen. Having regard to the language of the Act of Trade of 15 Car. II., it seems disagreeable both to this and to the laws of other Colonies that the people of a Colony should be compelled to manufacture goods under penalties. The Act would damage the customs and trade of England and injure her relations with the Colonies. Moreover, the rewards provided under the Acts to encourage manufactures are levied out of commodities that come hither to market, whereby the price of the commodity is raised and paid by the people of England. *Signed as the foregoing.* 1½ pp. *Endorsed.* Recd. 6 Nov. 1683. [Col. Papers, Vol. LII., No. 28, and Col. Entry Bk., Vol. LXXXII., pp. 240-242.]

Oct. 27. 1337. Warrant granting Lord Howard of Effingham leave to visit neighbouring Colonies for two months in the year. *Counter-signed*, L. Jenkins. [Col. Entry Bks., Vol. LXXXII., p. 246, and Vol. XCIX., p. 241.]

Oct. 27. 1338. Minutes of Council of St. Christophers. Order appointing Joseph Crisp, Roger Elrington, Zachariah Rice, and Charles Mathew to be a Committee to inspect the Acts lately sent by His Excellency, and to draw an Act for the ascertaining of lands to the possessors. [Col. Papers, Vol. L., No. 98.]

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Oct. 29.

1339. Journal of the Assembly of Nevis. Samuel Gardiner and Robert Holmes were elected to meet the General Assembly of the Islands next day. [Col. Papers, Vol. LII., No. 4, and Col. Entry Bk., Vol. LXVIII., p. 24.]

Oct. 30.

1340. Journal of General Assembly of the Leeward Islands.

Present:—Ralph Willett, Speaker } St. Christophers.
 William Willett }
 Samuel Gardiner } Nevis.
 Robert Holmes }
 John Yeomans } Antigua.
 Samuel Martin }
 Thomas Symonds } Montserrat.
 John Blache }

Proposals of the Governor: 1. I desire all laws to be alike in the respective islands, all being under one Government. *Answer.* We do not think that this will be advantageous and beg that the individual Acts of each island may be confirmed. 2. That all that was voted at the last General Assembly be now considered and worded as required to be sent home for the Royal Assent. *Answer.* We desire that the answers there given remain unaltered except as regards the style of enacting. 3. That a law be passed for preventing frauds in commodities brought from New England, and to oblige all boards to be a full inch thick instead of half an inch. *Answer.* We dissent. 4. That the gauge of casks be regulated. *Answer.* We desire that it be left as it is. 5. To prevent the severe exactions on sugar being at nine or ten shillings or anything under twelve shillings and sixpence to be paid to the creditor, a reasonable interest to be allowed. *Answer.* That ten per cent. interest-money on sugar shall be allowed upon all bills and bonds after they become due, for what shall be contracted after the publication of the Act for interest. 6. That a period may be put to the accounts of the Treaty of Neutrality and of the Indian war by gentlemen appointed for the duty. *Answer.* It shall be done. [Col. Papers, Vol. LII., No. 4, and Col. Entry Bk., Vol. XLVIII., pp. 25–28.]

Oct. 30.

1341. Journal of Lords of Trade and Plantations. Sir John Hoskins' petition for grant of Ascension, &c., read (*see ante*, No. 1202). The King's right to these lands to be inspected, as they are within the claim of the King of Portugal.

Sir Richard Dutton's petition read (*see ante*, No. 1310). Agreed that the merchants of Barbados attend on Saturday next, 3rd November, when the Lords will consider the question of fines in Barbados. Sir Richard Dutton to produce the necessary evidence, and Hanson's fine to remain for the present deposited in Sir R. Dutton's hands.

Sir William Stapleton's letter of 15th August read. Agreed that it be read at next meeting of Council.

Petition of Royal African Company read (*see ante*, No. 1323). The Jamaica merchants called in and both parties heard. The Lords agreed on their report (*see No.* 1349).

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Report of Commissioners of Customs on Lord Howard's proposals read (*see ante*, No. 1335); also a report from the Admiralty approving the proposal to station a ketch of war on the coast of Virginia. The Lords agreed to report accordingly.

31st October. Colonel Hender Molesworth's appointment as Lieutenant-Governor of Jamaica ordered in Council. [Col. Entry Bk., Vol. CVII., p. 224-229.]

Oct. 31.
Council
Chamber.

1342. Report of Lords of Trade and Plantations to the King. We think that it will greatly conduce to your service that a ketch of war of forty men and twelve guns attend the Government of Virginia, and receive the instructions of the Commissioners of Customs, provided that such instructions be always subject to the superior command of the Governor. [Col. Entry Bk., Vol. LXXXII., pp. 252, 253.]

Oct. 31.
Whitehall.

1343. Order of the King in Council. Approving the foregoing report and directing that it be carried into effect. [Col. Entry Bk., Vol. LXXXII., pp. 253-255.]

Oct. 31.
Barbados.

1344. Deputy Governor Witham to [Sir Leoline Jenkins]. My later advice from Guinea tells me that the damage done by the pirates was not so great as at first imagined, but now I can give you a full narrative from one who sailed in La Trompeuse (*see ante*, No. 1313). Most of the English under the command of one Morgan went in the other ship, when the two pirates parted company, it is supposed, to the South Seas. The French stuck to La Trompeuse. After she was burnt by Captain Carlisle, of H.M.S. Francis, the pirate, Captain Hamlin, with five more of his rogues, fled from St. Thomas in a small boat, hoping to join the French in Hispaniola. The rest stayed in St. Thomas, whereof the Governor, called, I believe, Adolphus Esmett, by his popular interest deposed the lawful Governer and took his place. Esmett is a general harbourer and protector of all pirates and rogues that resort to him. There are less than two hundred men on the Island, and about that number of women and children. He received a large share of Hamlin's booty. I send some of the returns required by their Lordships, of exports, with their values for eighteen months, and of the value of the four-and-a-half per cent. duty, which has never been arrived at before. I have also sent the establishment of a Court of Pleas of the Crown lately erected, the want of which made insolent and disaffected spirits more turbulent than they will now dare to be. Summary proceedings will check them. I have had a dispute with Sir Timothy Thornhill, as shown in enclosed paper. *Holograph.* Signed, Jno. Witham. 3½ pp. *Inscribed*, Recd. 10 Feb. 1683-84. *Annexed*,

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1344. i. Statement of Deputy Governor Witham. This day Sir Timothy Thornhill claimed precedence of the whole Council, on the ground that he was a baronet, and the rest esquires, adding that if it were not granted he

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would cease to attend Council. I answered, with the concurrence of all the Council but one, that the honour of being a member of Council was greater in the Island than that of being a baronet, and cited the precedent of Sir John Yeamans, Bart., whose claim to take precedence of the Judges had been disallowed by William Lord Willoughby, and of Sir Charles Modyford, who took his precedence according to his seniority as Councillor. I therefore gave orders that Sir Timothy Thornhill was to take rank according to his seniority in Council only. *Signed*, John Witham. *Copy*. Attested by Edwyn Stede, 20th October 1683. [Col. Papers, Vol. LII., Nos. 29, 29 i.]

Oct. 31.
Whitehall. **1345.** Order to the Crown Law Officers to prepare a Bill, constituting George Hannay Provost Marshal of Barbados. [Col. Entry Bks., Vol. VII., p. 245, and Vol. XCIX., pp. 243, 244.]

Oct. 31.
Barbados. **1346.** Deputy Governor Witham to Lords of Trade and Plantations. The Acts of the Island and the Minutes of Council and Assembly are transcribing for you. The other returns I hope will be satisfactory. There are many factious and seditious persons in this Colony who are tainted with the old leaven and humours of 1641, also many fanatics, though during my government they have given little trouble. Yet to keep the rod over them I have established a Court of Pleas of the Crown, with the same jurisdiction as that of the King's Bench at Westminster. *Signed*, Jno. Witham. *Holograph*. 1½ pp. *Endorsed*. Recd. 10 February 1683-84. [Col. Papers, Vol. LII., No. 30, and Col. Entry Bk., Vol. VII., pp. 221, 222.]

Oct. **1347.** List of negroes consigned for Jamaica. March 1681 to October 1683. Contracted for, 8,500; taken in, 3,716; delivered, 3,020. None delivered in 1683, and only five hundred in 1682. ½ p. *Endorsed*. Rec. 23 Oct. 1683. [Col. Papers, Vol. LII., No. 31.]

Nov. 2.
Jamaica. **1348.** Governor Sir Thomas Lynch to Lords of Trade and Plantations. I have written frequently to Mr. Blathwayt and asked him to lay any matter of importance before you. On the 19th October the Assembly adjourned to 15th January, having amended all the laws formerly sent home in accordance with your directions, and made some few new ones, which, having no relation to the royal prerogative, will, I suppose, be readily passed. The Revenue is now for twenty-one years. One of the arguments I used to induce them to pass it was, that you had promised that these and the laws already passed should be confirmed for the same period, which I beg and trust that they may be. I am the more concerned that this should pass, because that little, drunken, silly party of Sir Henry Morgan's opposed it. They tried to raise broils about several Acts, and about the negroes Act whispered that I had been bribed to favour the Royal African Company. These

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things and their disorders at Point have given me more trouble than I ever had in my life. In sending the laws the Council and Assembly have presumed to tell the King what they have done, and to thank him. The address will be delivered to you by Sir Charles Littleton (*see No. 1318*). Among the laws is one repealing the patents about the harbours, royal mines, &c., which does that which you thought should be done by *scire facias*. This done, I think that there is nothing more for me to answer in your letter. The journals of Council and Assembly will also reach you with the laws, but to save you the trouble of following every detail, I give you a brief account of the reasons that induced me (at the instance of the Assembly and the advice of the Council) to remove Sir Henry Morgan, Colonel Byndloss, and Captain Morgan from all commands and employments. (1.) I well remember that your Lordships ordered Sir Henry Morgan to be put out of the Council, saying he was no more fit to be Councillor than Lieutenant Governor, but afterwards (I must beg pardon for it) I desired you to put him in, that we might all unite to fix the revenue and serve the King. (2.) Instead of uniting with me I found him little civil to me, mightily elated by hopes of my death, and of governing in my stead. In his debauches, which go on every day and night, he is much magnified, and I criticised, by the five or six little sycophants that share them. (3.) His particular creatures are one Cradock, Elletson, and others who have broken the peace, and affronted the Government. He has always endeavoured to countenance and justify them within the Council and without. (4.) All the troubles and disorders at the Point since I came have been caused by Captain Morgan, but Sir Henry has always protected him without respect to law, truth, or justice, and more than once forced me to go thither. (5.) Sir Henry and Captain Morgan have set up a special club, frequented by only five or six more, where (especially when the members are drunk), the dissenters are cursed and damned. The whole country was provoked by their taking the name of the Loyal Club, and people began to take notice that it looked as if he hoped to be thought head of the Tories; consequently I must be of the Whigs. (6.) The people, however, as well as myself, resented this, and as the club was carried on by a mere five or six that had neither sense, money, nor sobriety, it began to die, and the actors themselves grew afraid and ashamed of their parts. Then came the unlucky incident of the Falcon of which I have written to you (*ante, No. 1249*), when the jury was inclined to find the death of Wild's mate to be murder. One Coward, a dissenter, being forward in this, as Mingham the prosecutor also was, provoked Captain Churchill to curse and rail at dissenters on the Point. This suited Sir Henry Morgan and the club, who took Churchill's part against the jury, and made him one of their company. They had this great opportunity to inflame and misinform him. (7.) Churchill told me in my chamber (when I was sick) that Captain Penhallow and several credible and sober merchants designed to murder him on the day of thanksgiving for the King's deliverance, that he was

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prepared for it, and therefore escaped it by retiring to his ship, and that they had hired the rabble, and arranged that they should attack when such and such a song was sung. This he affirmed publicly in my hall before several members of Council and Assembly, adding that they would murder him because his name was Churchill and his family depended on the Duke, and that the Point was worse than Algiers. He afterwards came into the Council owning this, and saying that Sir Henry Morgan had told him so, and that he was a man of honour. And Sir Henry then seemed to assent to it. (8.) Moreover, at this time Sir Henry led me from the hall into the parlour, and told me there was a design to attack Captain Morgan and murder him, for fear lest I should make him major when Bach went off. Sir Francis Watson owned in Council that he said it to him, but Sir Henry afterwards seemed to deny it, being unable to give any proof of it. (9.) Captain Morgan and his accomplices having almost murdered Captain Penhallow, who was sober and helping to defend him and to keep the peace, Sir Henry thereupon imprisons Penhallow, and binds him and the rest over for the sessions. In rage and extravagant words he swore, to everyone's astonishment, that they meant to kill Churchill, and did not kill Morgan because Churchill was not there, just as fanatics would not kill the King because the Duke of York was not there. (10.) In his drink Sir Henry reflects on the Government, swears, damns, and curses most extravagantly. He did so to the Assembly as appears by affidavits in Colonel Beeston's hands. Had you full knowledge of his behaviour while Lieutenant-Governor, of his excesses, passions, and incapacity, you would marvel rather how he ever came to be employed than why he is now turned out. If he and his brothers had been less criminal I could not have acted otherwise, for the people are offended at being called duke-killing rogues, and such as would murder all that belong to the Duke. God is my record, I have never heard that his name was mentioned but with reverence, or that anyone refused to drink his health even when he was in exile. The Minutes of Council will show you the cause of Colonel Byndloss's suspension. I only add that he is one of the worst men I know. When I was Governor before, and he a Councillor, he took a pirate's false oath against me privately, and sent it home by Lord Vaughan's secretary. I would not live if my credit came into the scale with such a man.

I beg that if you approve of the suspension of the Morgans, you will *send orders to that purpose*, otherwise there will be troubles if I should die. These men are of great violence and no sense; they are enraged against the people and the people against them. I should have been kind to Charles Morgan for many reasons, and particularly on account of Mr. Secretary's recommendations, but he is so haughty, passionate, and given to drink, that it is impossible either to serve him or use him. He was the author of all the troubles at the Point, for some of which I was forced to deprive him of his commission of Aide-Major [Adjutant]. He has almost killed divers serjeants by beating them, though they are not in pay; a woman

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has sworn that he killed her husband ; officers at the Point will swear that no serjeant or soldier would go to the castle for fear of him, and that many deserted ; it is sworn that he never came to the Castle till noon or later, and then drunk, or so inflamed, that he beat serjeants and soldiers immeasurably for no fault ; he and his accomplices were the aggressors in the brawl at the Point, and almost killed Penhallow, for which they are now bound over to good behaviour and to the Grand Court. Martin, the Receiver-General, complained to me the other day that Morgan had come to his office for money, and endeavoured to strike him for no reason except his own passion. No token of his malice seemed to me so great as his putting on new and light colours at the news of my wife's death, when everyone else wore black. Yet she was his kinswoman and had done him service. But I rake no further into filth and people's crimes, for I feel confident that you will support my action. In former letters I have declared to you the necessity of taking all prospect of the Government out of Sir Henry Morgan's sight, and that if the Duke of York's power were retrenched [in reference to the Governor's powers as Vice-Admiral], it would embroil the Government. I think that you will now admit that I was right.

I have made Colonel Molesworth Colonel of the Point, Bach, Lieutenant-Colonel, and Beckford, Major and Captain of the forts. I am sure that the forts will be the better kept, for he is a sober, stout, active man ; and already I can see the difference. Captain Churchill is reasonable and says nothing, but will keep his sailors in order. We have had bad weather and great sickness, especially from small-pox at Port Royal, but more ships than ever yet were seen. Among them is a thirty-gun ship from Cadiz ; all Spaniards on board except one Gill, who was agent to Mr. Bawden. He had agreed for eighteen hundred negroes from Barbados at one hundred and eighteen pieces of eight per head. Bawden thinking this too little has abandoned his agent, so he endeavours to buy negroes here, and probably may get credit for twenty or thirty thousand pieces of eight, and carry away three or four hundred negroes on the Spanish factor's account. They fear that the Dutch cannot supply sufficient, so would gladly draw all or part of that business hither, whether they can enjoy advantages not to be found at Barbados or Curaçoa. Since the affair of Vera Cruz the Governors also incline to this, from their opinion that I love the Spanish nation. But all this means nothing unless we have negroes for them. I will do my part, but I beg your attention to the matter. I must send the Ruby when careened to the coast of the Main. I hear that pirates are there, and that Coxon is again in rebellion. Possibly she may convoy this Spanish ship to Carthagena. The Guernsey is gone to Petit Guavos to demand vessels seized from us, and to ascertain whether the Governor gives commissions of war, and for what reason fifteen or sixteen men-of-war with about two thousand men are just sailed thence. I will report the answer to Mr. Blathwayt. I confess that I am puzzled how to act. I have permitted some few of the French to pass hence for England, and

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others to Petit Guavos; and the other day one of our sloops brought in fifty-five that belonged to a captured Spanish ship. I have punished the master that brought them, but I durst not seize them or their money, as they do our vessels, because I have no positive orders. I hesitate to provoke the Grand Monarque or such a host of desperate thieves. They curse me already sufficiently about something written by some of the Governors to the Viceroy of Mexico, of my helping to drive them from Hispaniola. I have complained bitterly of it to Mons. Franquesnay. The craft sent out against traders have run away or been recalled; they were as frank pirates as La Trompeuse. I hope you will tell me whether I may not take satisfaction of the Dutch for what Augustine Alvares has done (*see ante*, No. 1249), considering that he is in their port, and they do not punish him. The Spanish Governors write to me "after quite another air," and I hope we shall have no more occasion to complain of their little thieves. Possibly interest of State and the profit of the Assentistas may induce them to station an agent here, which is a safe place thanks to the two frigates. I beg that they may be continued. *Signed*, Tho. Lynch. 8 pp. *Endorsed with an abstract*. Recd. 15th Feb. Read 28th Feb. 1683-84. [Col. Papers, Vol. LII., No. 32, and Col. Entry Bk., Vol. XXX., pp. 180-192.]

Nov. 3. **1349.** Lords of Trade and Plantations to the King. We have considered the petition of the Jamaica planters, and the reply of the Royal African Company thereto. We recommend the repeal of the Order in Council of 20th November 1680, and of the Act of Jamaica concerning the rates of negroes, and that instead thereof the Royal African Company be ordered to furnish Jamaica with five thousand negroes for the first year from the date of the Order, and with three thousand every subsequent year. In return for their compliance the Company should be protected in every possible way. [Col. Entry Bk., Vol. I., pp. 105-106.]

Nov. 3. **1350.** Account of the goods on Spurre's sloop. Showing the balance due to the King after payment of expenses of the Admiralty Court. Total value 1,175*l*. 19*s*. 8*d*. Expenses 213*l*. 11*s*. 6*d*. Net amount due to the King 962*l*. 8*s*. 2*d*. 2 pp. *Endorsed*. [Col. Papers, Vol. LII., No. 33.]

Nov. 3. **1351.** Warrant for the delivery of six barrels of gunpowder to Lord Howard of Effingham for Virginia. [Col. Entry Bk., Vol. LXXXII., p. 255.]

Nov. 3. **1352.** Journal of Lords of Trade and Plantations. In the matter of Orchard's petition against the Government of Massachusetts (*see No. 1215*), agreed that the petitioner can have no remedy till the charter of Massachusetts be vacated.

The Act for holding of Grand Sessions in Barbados considered. Sir Richard Dutton and the merchants of Barbados called in and both sides heard. Agreed to ask the King to determine whether the Grand Sessions are to be held by the Governor and Council,

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or Governor, Council, and justices. Petition of Samuel Hanson read (*see No. 1334 i.*) Report agreed on (*see No. 1368.*) [Col. Entry Bk., Vol. CVII., pp. 230, 231.]

Nov. 3.
Council
Chamber.

1353. Summons for Colonel Bayer, Captain Freeman, Mr. Bawden, and others concerned in the Leeward Islands, to attend the Committee of Trade and Plantations on 6th instant. [Col. Entry Bk., Vol. XLVII., p. 111.]

Nov. 3.

1354. Journal of the General Assembly of the Leeward Islands. The Governor proposed (7) that two armed sloops should be kept permanently for the suppression of the Indians. Carried in the Assembly, lost in the Council. The Governor proposed (8) a new regulation as to bonds of masters of vessels. *Answer.*—An Act should be made for the same. (9) A present to his Excellency of 120,000 lbs. of sugar agreed to. (10) A gratuity of 20*l.* agreed to for Mr. Fenton and 10*l.* for Mr. Thorne, for their trouble in attending the General Assembly. *The Governor accepted the Assembly's proposal not to permit any person to be arrested within any of the Islands of the Government wherein such persons so arrested may be compelled to come to any other Island to answer any debt due from him.* *In the Entry Book the item marked by asterisks is assigned to 7th November.* [Col. Papers, Vol. LII., No. 4, and Col. Entry Bk., Vol. XLVIII., pp. 29, 30.]

Nov. 5.
Council
Chamber.

1355. William Blathwayt to Henry Guy. My Lords expect the attendance of the Commissioners of Customs with their report on the two Acts of Virginia (*ante, No. 1296.*) to-morrow afternoon at four. [Col. Entry Bk., Vol. LXXXII., p. 240.]

Nov. 6.

New Hampshire. **1356.** Copy of Robert Mason's bill of costs against William Vaughan at the Court of Pleas, held 6th November 1683. Allowed by Walter Barefoot, Judge. *Copy. Certified by R. Chamberlain. Scrap. Endorsed.* [Col. Papers, Vol. LII., No. 34.]

Nov. 6.

New Hampshire. **1357.** Copy of Robert Mason's bill of costs against Richard Waldern at the same Court. Similar to foregoing. [Col. Papers, Vol. LII., No. 35.]

Nov. 6.

New Hampshire. **1358.** Copy of the record of the actions of Robert Mason against William Vaughan and Richard Waldern, 6th November 1683. Verdict for plaintiff. List of the jurors in the several districts. 2 pp. *Endorsed.* Recd. 4 Dec. '86 from Mr. Mason. [Col. Papers, Vol. LII., No. 36.]

Nov. 6.

1359. Journal of Lords of Trade and Plantations. Lord Culpeper's letter (*see No. 1361*) read, and referred to the Lords of the Treasury. Report of the Commissioners of Customs on certain Acts of Virginia read (*see No. 1336.*) The Lords will advise an instruction to Lord Howard for repeal of these Acts. The representation of the Governor and Council of Virginia in the case of Thomas Sands read (*see No. 568,*) saying that his claim had never

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been allowed to others, and if such claims were allowed they would exhaust the revenue. Agreed to refer the matter to the Lords of the Treasury. A circular letter to Lord Howard read and approved.

Sir Benjamin Bathurst and the African Company called in and acquainted with the decision between them and Jamaica. The Company and the Jamaican merchants to agree upon a draft Act and submit it to the Committee.

Report on the case of Sir R. Dutton and Samuel Hanson approved.

Petition of merchants trading with the Leeward Islands read (*see No. 1331 1*). The merchants called in and heard. Agreed to consider the matter when the Lord Keeper is present. Petition of William Freeman read (*see No. 1276 1*). Copy of the petition to be sent to Sir W. Stapleton and Mr. Bramley for report (*see No. 1378*).

Petition of Robert Wadleigh read (*see No. 1324*). The 4th December fixed for hearing of the case.

List of letters received and of documents delivered to Lord Howard. [*Col. Entry Bk., Vol. CVII., pp. 232-237.*]

Nov. 6.
Council
Chamber.

1360. William Blathwayt to [Henry Guy]. Remitting the representation of the Council of Virginia, respecting a second free entry to be granted to Thomas Sands by the King's revenue-officers in Virginia, to the consideration of the Commissioners of the Treasury. [*Col. Entry Bk., Vol. LXXXII., p. 256.*]

[Nov. 6.]

1361. Lord Culpeper to William Blathwayt. I await the directions of the Lords of Trade and Plantations on the four following matters:—(1.) That care may be taken for the return of my goods from Virginia. (2.) That I may have the perquisites at least till Lord Howard's arrival. (3.) That I may be referred to the Treasury about the payment of my foot-company till 1st January 1680, which the Lords have omitted. (4.) That nothing may be done about Buller's petition respecting the deer-skins, the case being so very clear. I can attend you if I be wanted. *Signed,* Tho. Culpeper. *Holograph.* 1 p. *Endorsed.* Read 6 Nov. 1683. [*Col. Papers, Vol. LII., No. 37, and Col. Entry Bk., Vol. LXXXII., p. 256.*]

[Nov. 6 ?]

1362. Inquiries to be answered by Francis, Lord Howard of Effingham, Governor of Virginia. Thirty heads in all, asking information as to the legislature, courts of justice, statutes, military forces, fortifications; as to pirates, neighbours' armaments, boundaries, towns, parishes, rivers and harbours, commodities, population, shipping, trade, revenue, and expenditure. *A vast deal of information is asked for which had already been supplied to the office more than once, and needed to be supplied only once for all.* *Signed,* William Blathwayt. 4 pp. *Endorsed.* [*Col. Papers, Vol. LII., No. 38.*]

[Nov. 6.]

1363. Petition of the Royal African Company to the Lords of Trade and Plantations. A law has lately been passed in St. Chris-

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tophers, providing that creditors who sue debtors and proceed to execution shall be bound to levy it on such things as the debtor shall show, which shall be appraised by three of the debtor's neighbours, and accepted at their valuation by the creditor, who shall pay the debtor forthwith the overplus thereof. It is plain to what frauds such a law gives opening; we beg that it may not be confirmed. 1 p. *Endorsed.* Presented Nov. 6 1683. [Col. Papers, Vol. LII., No. 39.]

Nov. 6.
Whitehall. 1364. Lords Proprietors of Carolina to Governor Sothell. We have transferred the appointment of the Secretary, in view of the importance of the office, from the Chancellor to the Palatine and Proprietors, and have appointed Mr. John Moore. We hear that Maurice Mathews and James Moore have contemptuously disobeyed our orders respecting the sending away of Indians, and we therefore put them out from being Deputies. Nor shall you nor Mr. Archdale employ them, for it would lead to ill results if a Deputy put out by the majority of the Proprietors for misdemeanour should be put in by another Proprietor without their consent. *Signed,* Craven, Bath (for Lord Carteret), Peter Colleton. [Col. Entry Bk., Vol. XXII., p. 20.]

[Nov. 6.] 1365. The declaration of William Fraser, respecting the common gaol of Barbados, formerly the house of Thomas Forrester. The house is a strong stone house, thirty feet long or more, and twenty broad; the timber used in construction strong and durable. Forrester told him that there was an agreement of 12,000 lb. of sugar for annual rent thereof, equal at 2s. 6d. per lb. to 75l. Fraser told Forrester that if he petitioned the King he should have trustworthy witnesses to produce, and Forrester named Sir Jonathan Atkins and Sir Peter Colleton. Fraser carried a letter from Forrester to a person of quality. 1 p. *Inscribed.* Recd. 6 November 1683. [Col. Papers, Vol. LII., No. 40.]

[Nov. 6.] 1366. A second paper on the same subject, recapitulating the previous history of the case, and suggesting to the Lords of Trade and Plantations that Sir Richard Dutton and Forrester should each appoint representatives to fix the rent, after which the arrears should be discharged, and the rent paid in future from the four-and-a-half per cent. duty. 1 p. *Endorsed.* Recd. 6 November 1683 [Col. Papers, Vol. LII., No. 41.]

[Nov. 6.] 1367. Sir Richard Dutton's answer to the last petition of Samuel Hanson (*see ante*, No. 1334 1). Is content to leave the matter in the hands of the Lords of Trade and Plantations. $\frac{1}{4}$ p. *Holograph.* *Endorsed.* Recd. 6 November 1683. [Col. Papers, Vol. LII., No. 42, and Col. Entry Bk., Vol. VII., p. 201.]

Nov. 7.
Whitehall. 1368. Order of the King in Council. Report of Lords of Trade and Plantations on the petition of Samuel Hanson. We have examined this case, both sides being represented by counsel. We think the fine inflicted by Sir Richard Dutton was irregular, but

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that the charge against Hanson is so serious that it should be again examined and heard by us, and that five months be allowed to collect the necessary evidence. And as the prosecution does not concern Sir Richard Dutton in his private capacity, we recommend that he be ordered to cause the necessary proofs to be taken, the fine of 150*l.* to remain meanwhile in your Majesty's hands till the cause be finally determined. We recommend also that the same space of five months be allowed to Sir Richard Dutton to prepare his defence against two appeals of Samuel Hanson; and that George Hannay be required to complete his examination by the end of a month, Hanson giving him a release to secure him from any damage that might otherwise accrue to him. Dated 3 Oct. 1683. Order in Council accordingly. *Signed,* Fran. Gwyn. [Col. Entry Bk., Vol. VII., pp. 201-203.]

Nov. 7. **1369.** Minutes of Council of Barbados. Sunday, 18th instant, appointed a day of thanksgiving for the deliverance of the King and Duke of York. Ordered, that Sir Peter Colleton and Colonel Henry Drax supply with all convenient speed an account of the disposal and expenditure of the ginger and sugar consigned to them for the benefit of the Island. [Col. Entry Bk., Vol. XI., pp. 597, 598.]

[Nov. 7.] **1370.** Petition of Sir William Stapleton to the King. Asking leave to come home, having served the King both at home and abroad since he was first capable of bearing arms, and acted as Governor of the Leeward Islands for the past eleven years. *Endorsed.* Read in Council Nov. 7, 1683. 1 p. [Col. Papers, Vol. LII., No. 43.]

Nov. 8. **1371.** Samuel Hanson to Sir Richard Dutton. This is to apprise you that I intend to proceed against you for recovery of damages by two actions at common law. My attorney is Mr. Ralph Grange, Hare Court, Inner Temple. If you please to appear and put in bail to the said actions, which will be laid at 3,500*l.*, you may save yourself some trouble and charge. If it be not done this week, I hope you will not take it ill if I take the methods directed by the law to oblige you. *Copy.* 1 p. [Col. Papers, Vol. LII., No. 44.]

Nov. 9. **1372.** Petition of the Mayor and Common Council of New York to Governor Thomas Dongan. Detailing the existing institutions and asking for a new charter with the following privileges:—(1.) The old corporation to be divided into six wards. (2.) The freemen in each ward to elect their own officers. (3.) A mayor, recorder, six aldermen, and six common councilmen to represent the city and corporation. (4.) The mayor to be chosen annually by the Governor and Council from the aldermen. (5.) No magistrate to be admitted till sworn before the Governor and Council. (6.) The recorder to be appointed by the Governor and Council; also (7.) the sheriff; also (8.) the coroner and town clerk. (9.) The treasurer to be appointed by the whole representative

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body of mayor, recorder, aldermen, and common council. *Signed*, Beermuth, Johannes van Brug, John Lawrence, Pieter Jacob Marius, Ja. Graham, Corn. Steenewick, N. Bayard. *Countersigned*, John West. *Endorsed*, with three separate reasons for the absolute necessity for the surrender of the whole charter before the new be granted. *Signed*, A[lured] P[opple]. *Two large pages*. *Printed in New York Documents, Vol. III., pp. 337-339. [Col. Papers, Vol. LII., No. 45.]*

Nov. 10. 1373. Journal of Virginia Assembly. List of Members of House of Burgesses.

Colonel William Byrd	} Henrico.
Lieutenant-Colonel John Farrer	
James Minge	} Charles City.
James Bisse	
Thomas Clayton.	James City.
Colonel Thomas Ballard	} James City County.
William Sherwood	
Colonel William Brown	} Surrey.
Major Arthur Allen	
Colonel Arthur Smith	} Isle of Wight.
Captain James Powell	
Colonel James Lear	} Nancimond.
John Brashear	
Colonel Lemuel Mason	} Lower Norfolk.
Malachi Thurston	
Captain Anthony Armstead	} Elizabeth City.
Baldwin Shepherd	
Captain John Langhorne	} Warwick.
Captain Miles Cary	
Henry Jenkins	} York.
Thomas Barber	
Colonel John West	} New Kent.
Charles Turner	
John Buckner	} Gloucester.
Major Henry Whiting	
Christopher Robinson	} Middlesex.
Abraham Weekes	
Colonel John Stone	} Rappahamock.
Henry Aubrey	
Captain William Ball	} Lancaster.
Major Edward Dale	
Colonel Thomas Brereton	} Northumberland.
William Presly	
Lieutenant-Colonel Isaac Allerton	} Westmoreland.
William Hardridge	
William Fitzhugh.	Stafford.
Colonel Daniel Jenifer	} Accomack.
Edward Reuel	
Colonel William Kendal	} Northampton.
Thomas Hunt	

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The burgesses being summoned to the Court House, the Lieutenant-Governor made them a speech, recommending them, in view of the fact that Lord Culpeper was not arrived, to confine themselves to the discharge of the public liabilities. The burgesses being returned, presented Thomas Ballard as their speaker, who was accepted. Councillors appointed to administer the oaths to the burgesses. [Col. Entry Bk., Vol. LXXXV., pp. 1-4.]

Nov. 11. **1374.** Summons for Robert Wadleigh to answer to the appeal of Walton against Walford and Amazeen on 11th December, [Col. Entry Bk., Vol. LXVII., p. 98.]

Nov. 12. **1375.** List of papers received from the Plantation Office by Lord Howard of Effingham on 12th November 1683. *Signed*, Effingham. 1 p. *Endorsed*. [Col. Papers, Vol. LII., No. 46, and Col. Entry Bk., Vol. LXXXII., p. 257.]

Nov. 12. **1376.** Deputy Governor Witham to [Sir Leoline Jenkins].
Barbados. Since my last a vessel is come from Antigua, which reports that it is believed there that Morgan, the pirate, who parted from Hamlin of La Trompeuse, is now in these parts. He was seen at anchor at St. Thomas, where he had taken some ships and sloops. *Signed*, Jno. Witham. *Holograph*. 1½ pp. *Endorsed*. [Col. Papers, Vol. LII., No. 47.]

Nov. 13. **1377.** Journal of Lords of Trade and Plantations. Sir W. Stapleton's letter of 30th August read (*see No. 1223*). Agreed that it be read in Council. Letter to Sir William respecting Freeman's petition read and approved (*see next abstract*).

Sir R. Dutton's report on the petition of Thomas Forrester read (*see No. 1322*). Agreed to represent it to the King.

In the matter of Robert Beverley, agreed to give an instruction to Lord Howard to prosecute him if evidence permit. In the matter of William Harrison and John Manly, pirates, it is thought fit that Lord Howard have power to pardon them.

Petition of Robert Wadleigh read (*see No. 1221*). The appeal to be heard on 11th December.

Memorandum of letters sent and received.

Petition of merchants of Leeward Islands read (*see No. 1333 1*). Agreed to advise the repeal of the obnoxious laws. Petition of William Freeman read (*see No. 1380*). The Lords will grant it as soon as Sir W. Stapleton's report is received. [Col. Entry Bk., Vol. CVII., pp. 238-241.]

Nov. 13. **1378.** Lords of Trade and Plantations to Sir William Stapleton. Council Chamber. We have received a petition from William Freeman praying to be relieved from a writ of partition granted by you to his partner, John Bramley. We therefore send you the petition and other papers to be answered by yourself and Bramley, and you will both appoint an attorney sufficiently empowered to answer the determination of Freeman's appeal. All other proceedings shall be stopped so far as to ensure no further damage to the petitioner's

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estate. *Signed*, Radnor, Guildford, Halifax, Beaufort, Ormond, Huntingdon, J. Bridgewater, Craven. [Col. Entry Bk., Vol. XLVII., pp. 111, 112.]

[Nov. 13.] **1379.** State of the case between William Freeman and John Bramley. A brief account of the quarrel between the two. *At the foot in a different hand*:—We are of opinion, on perusal of the above, that the proceedings [of Sir William Stapleton] in respect to the division of the plantation are contrary to law, and a great oppression on William Freeman. *Signed*, Charles Porter, Tho. Goodinge. *Large sheet. Endorsed.* Recd. 13 Nov. 1683. [Col. Papers, Vol. LII., No. 48.]

[Nov. 13.] **1380.** Petition of William Freeman to Lords of Trade and Plantations. Begs that his case in Montserrat may be examined by magistrates specially appointed, and the evidence collected by them sent to their Lordships. Without such direction no magistrate will be willing to meddle in an affair so distasteful to the Governor. $\frac{1}{2}$ p. *Endorsed.* Recd. 13 Nov. 1683. [Col. Papers, Vol. LII., No. 49.]

Nov. 13.
Fort Royal,
Martinique.

1381. The Chevalier de St. Laurens to Sir William Stapleton. I have two complaints to make. The first is that the captain of a ship under your orders has burnt a ship which was taken from the King, my master [La Trompeuse], in spite of the protests of the Governor of St. Thomas. I am aware that she was employed as a pirate, and that the Governor gave the pirates refuge, but the captain should have confined himself to the five or six pirates that remained at St. Thomas, and left the ship, which was disarmed, alone. The second complaint is that one of your armed barques fired several musket shots at the crew of one of our ships at Dominica. She fired first under French and then under English colours, and the master of your barque forced the French crew to give them some men, and a canoe to go and take three Caribs who had come to the shore under the French flag. I demand satisfaction for this misuse and insult to the French flag. *Signed*, Le Chev. de St. Laurens. 3 pp. *French. Endorsed.* Recd. 12 Feb. 1683–4. [Col. Papers, Vol. LII., No. 50.]

Nov. 14.
Whitehall.

1382. Order of the King in Council. On reading Sir William Stapleton's letters of 15th and 30th August last (*see ante*, Nos. 1188, 1223), ordered that an instruction be sent to him to seize the Governor of St. Thomas, who is complained of in these letters, to hinder, as far as possible, the further harbouring of pirates in the place, to procure satisfaction for past injuries, and to assert the King's right to the Virgin Islands, except St. Thomas. Lord Sunderland to signify the matter to the Danish envoy. [Col. Entry Bk., Vol. XLVII., p. 108.]

Nov. 14.
Whitehall.

1383. Order of the King in Council. That Sir Christopher Musgrave, Lieutenant of the Ordnance, send twenty-two barrels of powder to Sir William Stapleton in return for eleven barrels

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supplied to His Majesty's ships Deptford and Frances. [Col. Entry Bk., Vol. XLVII., pp. 108, 109.]

- [Nov. 14.] **1384.** Petition of Sir Richard Dutton to the King and Privy Council. Details the account of the first action against Hanson. Hanson's appeal having been heard, your Lordships decided that the fine imposed by me was irregular. I submitted and heard your decision that the further prosecution of Hanson for stealing the guns should be heard by you on a future occasion. Meanwhile, time has been fixed for the preparation of documents, &c., for this trial and for that of two further appeals. Hanson, however, now sues me at common law, which not only renders your Courts in Barbados of little use, but the appeals to the King impracticable, since the parties now being summoned into England are liable to be vexed by suits while their causes are still pending before the King in Council. I therefore beg for instructions, whether to answer to the actions brought against me in Westminster Hall, or to the appeals before the King in Council, or to both. *Copy.* 2½ pp. *Endorsed.* Read in Council 14 November 1683. Mr. Hanson to answer it 16th. [Col. Papers, Vol. LII., No. 51, and Col. Entry Bk., Vol. VII., pp. 203-206.]

- [Nov. 14.] **1385.** Draft of an Act to encourage the Royal African Company to import negroes into Jamaica. Enacting that the Company shall fulfil the whole tenour of their former contract, and that the planters on their side shall engage themselves not to traffic with interlopers, imposing a fine of 5*l.* for every negro so bought. 1 p. *Endorsed.* Rec. from Colonel Beeston, 14 Nov. 1683. [Col. Papers, Vol. LII., No. 52.]

Nov. 15.
New
Hampshire.

- 1386.** Governor Cranfield to Lords of Trade and Plantations. The news of Gove's pardon has had a very ill effect on the people, as appears by the prosecution of Mr. Mason's concerns. After waiting for a twelvemonth for compliance with the conditions laid down in the King's Commission, and finding few or none to accept his terms, he brought his actions against most of the principals and obtained judgment against thirty or forty of them. Since which they have held several meetings and resolved to oppose the Provost Marshal or any others that attend the serving of executions on them. At the serving of one, the people in the house threatened to destroy any who endeavoured to force the doors with gunpowder, scalding water, and hot spits. The officer being compelled to desist, Mr. Mason desired the *posse comitatus*, but I thought this undesirable, the people being stirred up by Major Waldern, Mr. Moody, and Captain Vaughan. I have put the last named out of the Council for indecent carriage and dangerous words, and put Mr. Randolph in his place. Captain Daniel is since dead, and the Council is reduced to six. I cannot tell whom to recommend thereto. Thanks for obtaining me leave to go to Barbados for the winter, but I hope to be able to stick to my duty. *Signed,* Edw. Cranfield. 1½ pp. *Endorsed with a long précis.* Recd. 29 February. Read 11 June '84. [Col. Papers,

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Vol. LII., No. 53, and Col. Entry Bk., Vol. LXVII., pp. 101, 102.]

- Nov. 15. **1387.** The King to the inhabitants of West New Jersey. Approving the appointment of Edward Byllinge as Governor. [Col. Entry Bk., Vol. XCIX., pp. 245, 246.]
- Nov. 15. **1388.** Minutes of Assembly of Virginia. The burgesses sent a message praying for the return of the records taken from Robert Beverley. Ordered that Mr. Secretary Spencer deliver them to members appointed by the burgesses. The order was subscribed by Edward Chilton, clerk of the General Assembly. The burgesses excepted against the signature, but appointed (saving the privileges of the House) four members to receive the records, who gave receipt for the same.
- Nov. 16. At the request of the burgesses, two councillors were appointed to swear their clerk, Thomas Milner. He being a burgess, the Lieutenant Governor directed the issue of a writ for a new burgess to be elected in his place. The Councillors going to administer the oath to him as Clerk of the House of Burgesses, the Speaker said that the House would consider as to the oath. The burgesses then requested a conference as to the appointment of a Clerk of Assembly and why the clerk chosen by them should not continue Clerk of the Assembly.
- Nov. 17. Message from the burgesses, with a resolution that in future some of the Council may be appointed to join with the Committees of this House, as was formerly used, and that for expediting business the Clerk of Assembly may be sworn. The Lieutenant Governor requested the attendance of the Speaker and some of the burgesses. After waiting an hour a message came that the Speaker would come in the morning, as it was growing late. The Lieutenant Governor said that he would willingly wait till midnight, but the messengers said that they had no further instructions.
- Nov. 18. The Speaker being summoned attended the Council, when the Lieutenant Governor said that he was displeased with their petty niceties, and desired them to waste no more time. The burgesses answered by an address asking if the Governor would receive a written paper from them. The Lieutenant Governor replied that he desired them again to waste no more time. The House produced a protest, asking again for joint Committees and for the swearing of their clerk to be Clerk of Assembly. The Lieutenant Governor finally conceded that for this session the Clerk of the House of Burgesses should be Clerk of Assembly, the concession not to be made a precedent. The dispute was, however, continued. Adjourned to 20th November. [Col. Entry Bk., Vol. LXXXV., pp. 1-15.]

[Nov.]

1389. The Governor and Council of New Plymouth to the King. We heard of your Majesty's happy deliverance through Mr. Randolph, and appointed the 15th of this instant November as a day of thanksgiving for the same. The people rejoiced to

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observe it. We are the oldest of the Colonies, and beg you to grant us letters of incorporation such as you have granted to Connecticut and Rhode Island. We were encouraged to present you with a draft of the privileges which we desire by the hand of Lord Culpeper in 1680, and we also apprised Mr. Blathwayt. In the following year we employed one of our magistrates, Major James Cudworth, to wait upon you, but he died soon after his arrival in London, before he could effect anything. Though we still have full confidence in Mr. Blathwayt, yet we have received no answer to our petition, though we hope that progress has been made with our new Patent. We now send over another copy of our former Patent, and renew our petition for the preparation of a Bill with as convenient speed, and at as small cost, as may reasonably be, for our poverty is great through the late blastings of our principal grain and the desolations of our towns by Indians. Though we have annexed the heads of the special liberties which we desire, we leave them to your Royal regulation, hoping none the less in particular for liberty of conscience in our religious worship our general profession here being the Congregational. Religious liberty was that which brought our first comers here in 1620, of whom some still survive, while others have joined us whose principles of religion and loyalty are the same. From these we desire never to depart, and though we have no wish to infringe the liberties of those who think otherwise than ourselves, yet we wish for one rule, viz., that when the major part of any of our towns or plantations agree to have a godly orthodox minister, he shall, notwithstanding small differences as to Church order and discipline, be supported by the whole of the people. We wish also that each plantation may be put upon the use to obtain some honest able men who will teach them to fear God and honour the King. *Signed, Thomas Hinkley, Governor. Large sheet in a very minute hand (Hinkley's). The address is hardly intelligible from the excess of fulsome language and cant. Endorsed. Recd. 21 Feb. 1683-4, from Mr. Randolph. [Col. Papers, Vol. LII., No. 54, and Col. Entry Bk., Vol. LXI., pp. 190-194.]*

[Nov. 16.] **1390.** Answer of Samuel Hanson to Sir Richard Dutton's petition. Many of Sir Richard's statements are untrue. (Recapitulates history of case.) Hanson is informed that the Council cannot award damages; he would have taken his course against Sir Richard at law on his arrival had he not resolved to try all means first to compose matters amicably. This, however, was refused, and, when the causes came to a hearing before the Committee, Sir Richard prevailed for a postponement of five months for the preparation of his defence. He then petitioned that the causes might be heard before Sir Richard's return to Barbados, and that other means might be taken for his protection, but has received no answer beyond a report of the Lords of Trade and Plantations directing Sir Richard, who is a party, to examine witnesses on both sides. Not having been served with a copy of this report, nor with any notice that it was the King's pleasure

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that he should not proceed at law, Hanson brought his action, presuming it to be to the King's liking, and hopes he may be allowed to proceed with it. *Copy.* 7 pp. *Endorsed.* Read in Council, 16 November 1683. [Col. Papers, Vol LII., No. 55, and Col. Entry Bk., Vol. VII., p. 206.]

Nov. 16.
Whitehall.

1391. Order of the King in Council. That since Samuel Hanson, in spite of all the previous decisions of the King in Council, has commenced an action at common law against Sir Richard Dutton, it be left to the free election of the said Hanson whether he will prosecute this action at common law or attend the determination of his appeals at the Council Board. [Col. Entry Bk., Vol. VII., pp. 199, 200.]

Nov. 17.
Westminster.

1392. Privy Seal for payment of 1,200*l.* a year to Sir Ralph Dutton. *Countersigned,* Thomas Watkins. [Col. Entry Bk., Vol. VII., p. 216.]

Nov. 17.
Whitehall.

1393. The King to Sir William Stapleton. Granting him leave of absence from his Government to stay in England for four months on private affairs. [Col. Entry Bks., Vol. XLVII., p. 109, and Vol. XCIX., p. 247.]

Nov. 18.
Whitehall.

1394. Commission for Hender Molesworth to be Lieutenant Governor of Jamaica. [Col. Entry Bk., Vol. XCIX., pp. 248, 249.]

Nov. 18.

1395. Lord Culpeper's proposal concerning the sale of his quit-rents in Virginia. The first patent of inheritance was granted in 1649 to Lord Culpeper and six others. The tract was then little seated. The old patent was surrendered, and a new one issued in 1669, since which the quit-rents have been so quietly enjoyed that the Assembly sent agents to purchase them. Besides the patent there is a lease of 1674 for thirty-one years. I now offer to surrender my lease for 7,000*l.* down, or to take an annual rent certain from Michaelmas 1683, or to accept Mr. Godolphin's proposal, viz., to have myself one-half and the King the other, so that I may have the rent of the moiety of the number of acres (at least two millions) well secured, to be paid half-yearly on a good fund here in England, and a moiety of the overplus over and above two million acres. Should there be less than two million acres (which I judge impossible), and the other profits not make it up in value, I am content that the half of what shall be wanting of the two millions shall be deducted out of the year's rent next after the year when the certificate of such falling short reaches England. This is in substance one and the same thing, and only hinders me from going the whole three or four thousand miles to take account of another Governor and the King's officers there, besides preventing disputes and delays. As to the overplus of years for lands to be taken up at the end of the 31 years' lease, I leave it to your Lordships. *Signed,* Tho. Culpeper. *Copy.* 3 pp. *Endorsed.* [Col. Papers, Vol. LII., No. 56.]

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- Nov. 19. **1396.** Journal of Council and Assembly of Antigua. Letter from Governor Edward Powell, saying that he is too ill to attend, but empowering the senior Councillor to propose certain matters contained in Governor Stapleton's instructions to him, chief of which is the appointment of a Committee of both Houses to amend the Act of Extent. Message from the Council conveying the sense of this letter to the Assembly. Answer of the Assembly agreeing to all other matters, but asking for the Act of Extent to be sent to it for the consideration of the whole House. Reply of the Council that the Act is too long to be transcribed in time, but offering to refer it to a joint committee of six. Committee appointed accordingly. [Col. Papers, Vol. XLIX., No. 81.]

[Nov.]

- 1397.** State of the proceedings against the Bermuda Company. The original articles of complaint against the Company were preferred on 5th July 1679. The Lords of Trade and Plantations reported on the case on 29th October 1679; and on the Company's refusal to accept the decision of the Lords it was ordered on 21st January 1680 that a *quo warrantum* should be brought against the Company's charter. On 20th December 1681 a vigorous prosecution of the *quo warrantum* was ordered. Then came the complaint of the long delay, and an Order in Council was given that a new *quo warrantum* should be brought, which was done, and still remains under prosecution, without any effect. A farther petition of the inhabitants for the King's protection was referred in May last to the Attorney General for his opinion. He reported that there was nothing in the charter which forbade the King to dispose of the Militia or to constitute a Governor. Since then another petition has been presented showing that the Company has not yet appeared, and has refused to permit copies of records to be taken. *Memorandum.*—Mr. Secretary Jenkins having reported to the Lords of Trade and Plantations that the Bermuda Company intended to send out a new Governor and ask the King for letters to countenance and support him, their Lordships were of opinion that no such letters should be granted until the *quo warrantum* has been brought to a final issue. 5 pp. Undated and unsigned. [Col. Papers, Vol. LII., p. 57.]

- 1398.** Rough draft of foregoing, with corrections. 10 pp. [Col. Papers, Vol. LII., No. 58.]

Nov. 20.

- 1399.** Opinion of the Attorney General as to the proceedings against the Bermuda Company. That a *quo warrantum* be issued and that the prosecutors thereof inspect the records of the Company and take copies. *Signed,* R. Sawyer. *Copy.* 1 p. *Endorsed.* [Col. Papers, Vol. LII., No. 59.]

Nov. 20.

- 1400.** Journal of Assembly of Virginia. The day was consumed in the wrangle between the two Houses over the swearing of the Clerk of Assembly, and the appointment of joint committees. The Council sat till 7 p.m.

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- Nov. 21. After further wrangling, Thomas Milner was sworn Clerk of the Assembly. The burgesses sent up a list of a committee of grievances and propositions, and requested the nomination of members of Council thereto.
- Nov. 22. The burgesses sent up lists of further committees with the same request. The Lieutenant Governor refused the request and rebuked the burgesses. The burgesses replied by an address, saying that as the Council had yielded about the clerk, it might as well yield on the question of joint committees. The Lieutenant Governor in answer proposed that the question should be put off till next session, and that meanwhile the burgesses should get to work.
- Nov. 23. The burgesses resumed the dispute, and quoted a precedent for joint committees.
- Nov. 24. The Lieutenant Governor demolished the precedent and persisted unanimously with the Council in refusing to entertain the proposal. The burgesses reiterated their request as before.
- Nov. 25. The Lieutenant Governor proposed a conference between the two Houses, which was accepted. [Col. Entry Bk., Vol. LXXXV., pp. 15-26.]
- Nov. 21. **1401.** Minutes of Council of Virginia. In view of the attacks of the Indians, Colonel William Byrd was requested to repair to Chickahominy or Rappahannock Indian Fort and treat with the Senecas; which he consented to do and therefore received the thanks of the Council. [Col. Entry Bk., Vol. LXXXIV., pp. 183, 184.]
- Nov. 21. **1402.** Lords of Trade and Plantations to the Governor of Barbados. It appears that there are upwards of two thousand bonds delivered to you and your predecessors in Barbados by masters of vessels, and that on these bonds there is a sum of over 200,000*l.* uncertified for. You are therefore with the assistance of the King's collector, to ascertain upon which of these bonds the condition prescribed by the Act of Navigation has been performed, and cause those in which the condition has not been fulfilled to be put in process. In future it is a standing rule for you to prosecute all bonds for which certificates are not returned within convenient time, and to admit no persons but such as are sufficient as sureties therein. You will also see that masters of ships enter them with the King's collector as well as the naval officer, and to prevent forged coequets you will see that coequets for England are produced before unloading. Also no European goods are to be landed without warrant from the collector; and masters before being permitted to unload must produce certificates of their bonds. Signed, Ailesbury, Bath, Clarendon, Craven, Bridgewater, Huntington, Radnor. Copy certified by Francis Gwyn. 2*½* pp. Endorsed. [Col. Papers, Vol. LII., No. 60.]
- [Nov. 21.] **1403.** Petition of Samuel Hanson to the King and Privy Council. Two days ago I was served with a copy of an order requiring me to decide by to-day whether I should proceed against Sir Richard Dutton at law for the matter contained in the last two appeals, or

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await the decision of the King and Committee of Trade and Plantations. I have never questioned the King's justice, but I am advised that the Committee will not award damages. I should have waived my proceedings at law, however, were it not that (1) Sir Richard Dutton has been empowered to examine witnesses in Barbados on both sides, (2) that the King's order declares that unless I release Sir R. Dutton from the prosecution at common law my appeals before the King and Council will be dismissed. I have tried all means to settle matters amicably, and on the first cause accepted for peace's sake, and at a great sacrifice, the proposals of Sir Richard's solicitor. I beg therefore liberty to proceed at common law against Sir Richard, without the Attorney General's being appointed by the King to defend him, or that if I stay the law proceedings till the petition be heard by the King in Council, I may not be obliged to give Sir Richard release from the prosecution; also that I and my witnesses may be allowed to live in Barbados in peace, and that the captain that brought me may not be molested till the causes be heard. $2\frac{1}{2}$ pp. *Copy. Endorsed and inscribed.* Recd. and read 21 November 1683. [Col. Papers, Vol. LII., No. 61.]

Nov. 22.
Nevis.

1404. Sir William Stapleton to the Chevalier de St. Laurens. I have received your letter, making two complaints (*see ante*, No. 1381). In reply to the first, I answer that there is not a word of truth in the statement of the Governor of St. Thomas, except that the ship was burned. She was well armed, with thirty-two cannon and six patararoes, and after she was set on fire there were thirty-two guns as regularly fired with bullets as if a gunner had fired them. She had seventeen men on board when boarded, who swam ashore. How then could Captain Carlile command the five or six pirates ashore? The Governor's notice is notoriously false. When the captain modestly demanded the ship, the pirate and the castle fired on him; and I have it under the Governor's own hand that he declared her to be a frigate of the King of Denmark. As to your second complaint, I may tell you that there is not a single sloop armed for war, or ordered against the Indians, in the whole of my government. You ask satisfaction, but you give me the opportunity to demand the like of you for the foul deeds and robberies of the Frenchman John Hamlin on La Trompeuse. He landed forty-six Frenchmen at Dominica, and the seventeen men on board when she was burned were all French. Whatever you answer to this must be also my excuse, or this, that I cannot punish men unless they are in my power and jurisdiction. Rogues carry all sorts of colours. To avoid needless differences, I may tell you that a third part of the King my master's fleet wears the white ensign. If I knew the name of the sloop or the master I would gladly write to Jamaica and Barbados in the hope of giving you satisfaction. I must ask you also for the restitution of four negroes that ran away from hence to St. Thomas and were carried to St. Croix. Your order alone is wanting. *Signed, Wm. Stapleton. Copy. 2\frac{1}{2} pp. Endorsed, Recd. 12 Feb. 1683/4.* [Col. Papers, Vol. LII., No. 62.]

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Nov. 22.
Christian's
Fort,
St. Thomas.

1405. The Governor of St. Thomas to the Governor of Tortola.
 "Governor Biss, my wife is now arrived, with great satisfaction to me and the whole country, having brought me the King's commission more ample than ever was yet sent from His Majesty to this place. And also there will be a frigate sudden[ly] with men and ammunition, and with other recruits. Therefore this is to let you know the King has given me as great a command over St. John as over St. Thomas, they being both named in particular in my commission with the Island adjacent. Therefore I intimated this much to you that you may not intrude upon my government, for you may be [sure] I will defend my King's right as much as in me lies, but if I can serve you or any of our neighbours in the capacity that I am now in, you may be sure of the hearty friendship of your affectionate friend and neighbour, A. ESMIT.

Postscript.—I have received yours this instant, and I heartily thank your honour for your advice. I do not serve the Dutch nor their Manneceats [?]. Wherein I can do you service you may freely command your affectionate servant, ESMIT. You shall hear from me more at large suddenly." *Holograph.* 2½ pp. *Addressed to the Honble. Corn. Biss, Governor of Tortola. Endorsed in Sir W. Stapleton's hand:* "Recd. 15 April 1684." [Col. Papers, Vol. LII., No. 63.]

Nov. 22.
James City.

1406. Nicholas Spencer to Sir Leoline Jenkins. The only news of importance since my last is of an inroad made by the Senecas on the settlements of this country. The principal aim of these Indians is the destruction of our neighbouring Indians who are within our borders. Their safety and protection is of great concern to us and we are taking care to preserve it, for should they be destroyed we should be more openly exposed to the designs of foreign Indians. It has been long our policy to preserve these neighbouring Indians and yet to avoid open breach with the Senecas, and our plan has been to combine two or three Indian towns into one, thereby doubling their strength, and to supply them with arms and ammunition to defend themselves. They are so encouraged by this that they fight to the last man. Lately one of their forts when taken contained but three men alive. Should the Senecas succeed in reducing them it will be very serious for us, for the Senecas are a powerful and warlike nation. We endeavour, by our ranging parties of horse, to ensure the safety of our inhabitants in the frontier counties, which so far has been successful, though some few isolated houses have been rifled. *Signed, Nicho. Spencer.* 1½ pp. *Endorsed.* [Col. Papers, Vol. LII., No. 64.]

Nov. 23.
Whitehall.

1407. Order of the King in Council. That since Samuel Hanson elects to proceed with his prosecution by common law, his appeals be forthwith dismissed; also that the setting of a new fine upon Hanson for his original offence be remitted to the Court of Grand Sessions in Barbados; also that the bond of the captain

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who brought Hanson over be forthwith put in suit; also that Sir Richard Dutton return his answer to Hanson's articles of accusation on the 30th instant. [Col. Entry Bk., Vol. VII., pp. 210, 211.]

[Nov 23.] **1408.** Answer of Samuel Hanson to the King and Privy Council. Elects to proceed against Sir Richard Dutton at common law, and requests that Sir Richard may be called upon to put in bail and answer to the charges exhibited against him at the Board of Trade and Plantations on the 16th instant. *Copy.* 2 pp. *Endorsed, and inscribed.* Recd. and read 23 November 1683. [Col. Papers, Vol LII., No. 65.]

[Nov. 23.] **1409.** Articles of high misdemeanour exhibited against Governor Sir Richard Dutton by Samuel Hanson. Preliminary statement, that the Island has always been loyal, and would always have been liberal with supplies if Sir Richard Dutton and his predecessors had not always preferred and promoted their own advantage and that of their relations and servants. Article 1. Sir Richard turned out some of the best judges in the Island and put unfit persons in their places. He also, contrary to precedent, disposed of most of the beneficial offices formerly granted by the judges and colonels, to make room for relations and servants of his own. He turned Mr. George Hannay, who fought at Worcester, out of the clerkship of the Bridgetown Court, and put in Rawlins, one of the musicians he brought with him from England, in his place. He denied patentees admission to their offices and kept his own relations therein. (2) He set up a surrogate in the Island which was never done before, and made the same Rawlins collector of that Court. These sent for all the ministers and schoolmasters, made them produce their orders and refused to restore them except on payment of heavy fees. The Governor promised that these fees should be restored, but they have not been. (3) The Governor has added a prayer to the prayer-book and ordered it to be read before the prayer for the bishops, had not the ministers objected. He afterwards ordered it to be read in the place appointed by rubric. *Here follows the prayer for blessings on His Excellency, Sir Richard Dutton, knight, and on the whole Council.* (4) He has at the General Sessions imposed heavy fines without the concurrence and against the opposition of the Council, and levied such fines in spite of an address of the Assembly; and when a petition for writ of error was presented, he put it in his pocket and would not suffer to be read but turned the petitioner rudely out of the Council Chamber. (5) He frequently commits people to custody by warrant and keeps them there till next sitting of Council, whereby they have been imprisoned days and weeks without being examined and heard. He did so to one who refused to swear against himself and held him to 10,000*l.* bail. (6) He has illegally assumed the office of a Judge of the Admiralty, received libels against ships and condemned them, he being a party interested, receiving by statute one-third of every ship condemned. This was particularly seen in the case of the ship *Berkshire.* (7) The King having given a

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Spanish ship leave to trade and buy negroes in Barbados, the Governor exacted six dollars a head for every one of a thousand negroes sold. (8) He has been arbitrary in probate of wills, refusing the executors appointed by testators, and appointing others, and thus once forcing an estate from the possession of the person named by the testator. (9) He will not permit the Council to be under an oath duly to administer justice, nor suffer them to hear causes and proceed to judgment according to former usage. (10) He has since his arrival pressed the Assembly so hard for money that he has almost thrown the country into a flame. Within the last two years he has taken, besides what he receives from the King, 3,000*l.* in presents from the Assembly, 1,500*l.* by his imposition on the negroes already mentioned, 2,050*l.* for house and grounds, or in all 6,550*l.* The first item was granted for paying the expenses of the Grand Sessions, at which all the gentry attend; but Sir Richard let the gentry pay their own charges the first time, the second time held no session at all, and the third put in no appearance but pocketed the money. He was very grasping to obtain the last 500*l.* of it, though it was strenuously opposed, for the money was needed for repair of fortifications. Again, when he went to England, he let Government House. (11) He obstructed the passing of an excise on liquors, wishing so easy a mode of collection to be kept for his own presents. (12) He then, after the Assembly had made a grant to the King from another source, secured that the excise should be imposed for his own benefit. (13) The Assembly, for the King's and the Island's benefit, laid a duty on every negro shipped off the Island by the Spaniards. Sir Richard would not pass it till they had imposed the excise for the present to himself. (14) He has violated the law for deciding disputes about the rights to negroes. (15) He has arbitrarily and illegally imprisoned Thomas Hyatt. (16) He kept all the ships in the harbour waiting for three weeks till he was ready to sail with them, but when he got to sea left them to take care of themselves, and this when war was expected. No one who can leave the Island will remain on it if Sir Richard Dutton stays there as Governor. *Copy.* 13½ pp. *Endorsed.* Read in Council 23 November 1683. [Col. Papers, Vol. LII., No. 66.]

Nov. 23.

1410. Sir Richard Dutton to Sir Leoline Jenkins. Mr. Hanson having been ordered to elect whether he shall proceed against me at common law or by his appeals, I beg that if he choose the former the King will order the matter of his indictment in the affair of the guns to be re-heard either at the Council Board or in Barbados. If he sticks to his appeals, I hope that he may be required to give security to abide the determination of the Board, without which the decision will be of no effect, the King's Governors worse off than ever, and Hanson the only person unbound by that decision. *Signed,* Ri. Dutton. *Holograph.* *Endorsed.* [Col. Papers, Vol. LII., No. 67.]

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Nov. 23.
Whitehall.

1411. The King to the Governor and Council of East New Jersey. Confirming the disposal of East New Jersey to James, Earl of Perth, John Drummond of Londie, Robert Barclay of Urt, Robert Gordon of Cluny, and twenty others, and charging all other persons concerned to obey the laws made by these grantees. *Countersigned, Sunderland. [Col. Entry Bk., Vol. XCIII, pp. 171a, 172.]*

[Nov. 24.] **1412.** Petition of Henry Killebrew to the King. The King in 1662 granted to petitioner and Robert Dungan certain forfeited lands in Bermuda. Petitioner sold the same to Sir George Waterman. Colonel Thomas Howard, however, has lately obtained a grant thereof. Prays that the lands may be granted to one Noden, who bought them from Sir George Waterman, or petitioner will be ruined. 1 p. *Inscribed below, Whitehall, 24 Nov. '83, with a blank for an order, and below it the signature, L. Jenkins. [Col. Papers, Vol. LII., No. 68.]*

Nov. 26.

1413. Extract from a letter from Captain Tennant, His Majesty's ship Guernsey, to Lord Dartmouth. I have been cruising after pirates ever since my last; I have not had the fortune to meet with one, but I keep them off the coast. There are four or five considerable ships in this country commissioned by the French against the Spaniards, who have lately burned a great galleon and plundered a considerable colony called Labor de Cruse [La Vera Cruz]. On the 24th ultimo I redeemed eight English captives at Santa Martha, who were condemned to die that day. They had been rigorously treated; and the Spaniards on all their coasts serve us rather as enemies than friends. Some that I met I could hardly judge whether they were friends or enemies; and if they find us weak enough they will not scruple to fight us. *Dated, Port Royal, Sept. 11. Copy certified by John Grahame. 1 p. [Col. Papers, Vol. LII., No. 69.]*

Nov. 27.

1414. Journal of Assembly of Virginia. The dispute over the joint committees (*see ante, No. 1400*) was resumed, the Lieutenant Governor again charging the burgesses to get to business.

Nov. 28.

The burgesses replied that the business which most nearly concerned them was the appointment of joint committees.

Nov. 30.

The Lieutenant Governor read the burgesses another lecture. The burgesses replied by a request that Robert Beverley might be released from custody to furnish them with some papers that they needed.

Dec. 1.

The burgesses by address repeated their request for joint committees.

Dec. 2.

The burgesses recalled their address of the previous day. A compromise was arranged. Robert Beverley was permitted to stay in the town until he had furnished the burgesses with the information desired; but a petition from him brought up by some of the burgesses was returned. *[Col. Entry Bk., Vol. LXXXV pp. 26-35.]*

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- [Nov. 28.] **1415.** Report of Sir John Churchill to the Commissioners of the Duke of York's revenue. As to the charges of misbehaviour against Sir Edmund Andros, eight in number, we do not think that Governor has misbehaved himself or broken the trust reposed in him by the Duke of York, nor defrauded or mismanaged the revenue. So also as to the four charges against Captain Dyre, we find nothing against him; and we have reason to believe that he and Sir E. Andros have behaved themselves very well in their several stations, for Mr. Lewin has been most industrious in investigating the complaints of the inhabitants against them. *Signed, J. Churchill. Four large pages. Printed in New York Documents, Vol. III., pp. 314-316.] Attached,*

Nov. 28. Order of the Governor and Council, prohibiting all vessels from entering any harbour between the Kennebec and St. Croix without entering and clearing at Pemaquid.

Order of the Governor and Council, permitting settlers to take up land without quit-rent between St. Croix and the Kennebec at one shilling rent for one hundred acres, and without liability to arrest for debt for seven years. *Signed, John Spragg, Secretary. [Col. Papers, Vol. LII., No. 70.]*

Nov. 29. **1416.** Minutes of Council of St. Christophers. Order for a joint committee to examine the accounts of the treaty of neutrality and of the late Indian expedition. *[Col. Papers, Vol. L., No. 98.]*

Nov. 29. **1417.** Minutes of Council of Virginia. Order for the Katherine sloop to be paid off and laid up, she having failed to fulfil the expectations entertained of her. Order for all collectors to endeavour to provide at their entry of ships for a thousand weight of shot, bullet, carbine and pistol, as security against the Seneca Indians. Order that the Rappahannock and Nanzattico Indians be encouraged to unite, and that a party of horse escort them on the march. Order, that, to secure the frontier against the Indians, Colonel Byrd have a party of horse in readiness in Henrico County, and Colonel Hill be ready to help him from Charles City County, also that Colonel Byrd help the Appomatox Indians if they need it. *[Col. Entry Bk., Vol. LXXXIV., pp. 184-186.]*

Nov. 30. **1418.** Sir Christopher Musgrave to William Blathwayt. I have received the account of the King's stores in Virginia and the value of them. What induced those gentlemen to set so small a rate on them I cannot imagine. I have sent for the true value, also an account of all stores sent there since 1676, for which they have returned no account to the office of Ordnance. *Signed, Chris. Musgrave. 1 p. Endorsed. [Col. Papers, Vol. LII., No. 71.]*

Nov. 30. **1419.** Sir William Stapleton to Lords of Trade and Plantations. Nevis. The Spaniards, according to their wonted practice, have taken the Africa sloop, belonging to the Royal African Company's Agents, and another boat belonging to Colonel William Burt of this place,

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which I sent with the King of Denmark's packet according to the King's orders. They were taken in the precincts of this Government betwixt Tortola and St. John, both of the Virgin Islands mentioned in my commission, and inhabited by a small number of English. The master of the Africa, one George Stanley, they have sent from Porto Rico to Old Spain, falsely pretending that he tried to take the Spaniard and fired the first shot, which if he did was no crime, for there are so many rogues upon the sea; but I am sure of the contrary, for he was returning hither at the close of the hurricane season, and was fired at first by the Spaniard in sight of the people of Tortola. If Captain Carlile and the Frances were returned (who I hear was in the hurricane of 7th October in Barbados), I would go to assert the King's right in the Virgins, and modestly demand satisfaction and restitution of the Governor of San Juan de Porto Rico. I hope Captain Carlile is well, either at Jamaica, if he has lost his mainmast, which was defective, or on the coast of Cracos, first to careen the Frances and then to search for pirates. I should have reported this Spanish insult earlier, but that it was concluded that it was the work of pirates. I have heard nothing yet of my leave of absence. I shall not make use of it if the rumour of war between Spain and Holland or any nations be confirmed. I am too bold in asking again for the soldiers' arrears and my own. The indigency of the men, the sight of the new recruits, and the contrast presented by the French soldiers, make me the more importunate. Pray peruse the letters that have passed between the French General and myself (*see ante*, Nos. 1381, 1404). *Holograph.* 1½ pp. *Endorsed.* Recd. 12 Feb. Read 11 March 1683/4. [Col. Papers, Vol. LII., No. 72, and Col. Entry Bk., Vol. XLVII., pp. 114, 115.]

Nov. 30.

1420. Commission issued by John Witham to Edwyn Stede, Robert Davers, Henry Walrond, and Stephen Gascoigne to be Barons of the Court of Exchequer and Court of Pleas of the Crown, with the oath of office administered to them. 2 pp. *Endorsed.* Recd. 15 Feb. 1683-4. [Col. Papers, Vol. LII., No. 73, and Col. Entry Bk., Vol. VII., pp. 230-232.]

[Nov.]

1421. The King to Sir Richard Dutton. We have authorised Sir William Stapleton, to make war on the Carib Indians, and to require you to contribute your assistance in subduing them. You will therefore concert measures with him, which you are hereby empowered to carry out. And, since the Islands of St. Vincent and Dominica by their nearness give you a particular opportunity of attacking the Indians there, we rely the more upon you for the execution of that service either with or apart from Sir W. Stapleton, but in any case we require you to do your best to aid him in driving the Indians to the Main. *Draft.* 2 pp. [Col. Papers, Vol. LII., No. 74.]

[Nov.]

1422. Reasons offered to Mr. Secretary Jenkins against the King's granting a letter of approbation of a Governor chosen by the Bermuda Company. A quo warranto has been brought

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against the Company. The Attorney General being refused permission to mend his plea, the Lords ordered a new *quo warranto* to be brought in Easter term last, which was accordingly done. The Company was summoned, but has not yet appeared. No such letter was ever granted before, and, if now procured, it would be prejudicial to the *quo warranto* by seeming to contradict it. The Company has attended Lord Sunderland to procure the letter, but his Lordship, for some reason best known to himself, has not done it. The whole business of the Company now lies by the King's order before the Privy Council, but of late the Lords have not met, being taken up with business of greater importance. $\frac{1}{2}$ p. *Endorsed, but undated.* [Col. Papers, Vol. LII., No. 75.]

Dec. 1.
Council
Chamber.

1423. [William Blathwayt] to Mr. Guy. Forwarding copy of Sir Richard Dutton's proposals for the Lords of the Treasury. [Col. Entry Bk., Vol. VII., p. 211.]

Dec. 1.
Council
Chamber.

1424. Report of Lords of Trade and Plantations. Recommending that Sir Thomas Lynch be empowered to treat with the pirate Laurens. [Col. Entry Bk., Vol. XXX., p. 178.]

Dec. 1.
Boston.

1425. Certificate of the seizure of the ship Pearl, Captain Thomas Paine, for breach of the Acts of Trade. *Signed,* Barna Randolph. 1 p. *Certified copy.* *Endorsed.* Recd. 26 Jan. 1684/5. [Col. Papers, Vol. LII., No. 76.]

Dec. 1.

1426. Journal of Lords of Trade and Plantations. The additional instructions to Lord Howard and the instructions to the commander of the ketch at Virginia approved (*see No. 1428*).

Sir Richard Dutton's proposals read (*see No. 1195*). No. 1 is referred to the Attorney General. No. 2 to await the report of the Treasury. No. 3 will be answered when an actual case arises. No. 5, the senior resident Councillor may be fitly *Custos Rotulorum*. Nos. 6, 7, 10, 11, referred to the Treasury. Nos. 8 and 9 referred to the Master of the Ordnance. Sir Richard Dutton was called in, and on his motion it was agreed to advise an instruction to him to propose to the Assembly a law punishing such as wilfully kill their negroes.

Sir Thomas Lynch's letter of 12th September read. Agreed to recommend Colonel Barry for a seat in Council, and that a copy of the Jamaica law against piracy be sent to all the Governments in America for enactment. [Col. Entry Bk., Vol. CVII., pp. 242-246.]

Dec. 1.
Whitehall.

1427. William Blathwayt to Sir Leoline Jenkins. Forwarding a paper of instructions from the Commissioners of the Treasury to the captain of the ship that is to attend the Government of Virginia for the King's orders to the Admiralty; also certain additional instructions to Lord Howard of Effingham for the King's approval. [Col. Entry Bk., Vol. LXXXII., p. 264.]

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Dec. 3.
Whitehall.

1428. Additional instructions to Lord Howard of Effingham.
 1. To inquire and report how Lord Culpeper has fulfilled his instructions. 2. To encourage Colonel Isaac Allerton in the good courses reported of him by Lord Culpeper and promise him the first vacant seat in the Council. 3. To continue to stay execution against the Quaker, John Pluisants, already stayed by Lord Culpeper (*ante*, No. 1258). 4. To endeavour to carry an Act empowering the Governor and Council to raise a general levy, not exceeding twenty pounds of tobacco per poll, which shall be accounted for to the Assembly, provided that no clause be admitted which does not also make the money to be accounted for to the King. 5. To inform the Assembly that the King grants them free trade with the Indians, but expects it to provide against abuses. 6. To announce that the King repeals the Act to encourage manufacture of linen, &c., and the Act of June 1680 about attorneys. 7. To report on the Act for disbanding the garrisons, the Act touching arrests, and the Act for co-habitation, the last-named to be meanwhile suspended. 8. To revise the laws and transmit a complete body thereof. 9. To forbid the use of any printing press on any occasion whatever. 10. To pardon Manly and Harrison, the pirates, on assurance that they will not return to piracy. 11. To prosecute Beverley if there be evidence forthcoming against him, and otherwise to release him. [Col. Entry Bks., Vol. LXXXII., pp. 265-272, and Vol. XCIX., pp. 267-272.]

Dec. 3.
Whitehall.

1429. Instructions for the Commander of the Ketch in Virginia. Generally for the enforcement of the various Acts of Trade and Navigation. [Col. Entry Bk., Vol. XCIX., pp. 273-280.]

Dec. 3.

1430. Attestation of summons for Walter Barefoot to appear in his appeal against Robert Wadleigh. *Sworn*, 3rd December. *Signed*, W. Mountagu. *Copy*. 1 p. *Endorsed*. [Col. Papers, Vol. LII., No. 77, and Col. Entry Bk., Vol. LXVII., p. 97.]

Dec. 4.

1431. Summons for Walter Barefoot to prosecute his appeal on the 18th December. [Col. Entry Bk., Vol. LXVII., p. 96.]

Dec. 4.

1432. Journal of Lords of Trade and Plantations. The appellants in the appeal of Walter Barefoot not appearing, the hearing was put off to the 18th instant.

Laws of Barbados considered. Acts for regulating tickets and settlement of the militia approved; but the latter being temporary only, Sir R. Dutton is to be instructed not to assent to such laws in future except they be permanent. Remaining Acts approved. Memorandum of letters despatched. [Col. Entry Bk., Vol. CVII., pp. 246-249.]

Dec. 4.
Council
Chamber.

1433. William Blathwayt to the Commissioners of the Admiralty. Summoning them to Council for discussion of Sir Thomas Lynch's representation as to the jurisdiction of the Admiralty in the West Indies. *Memorandum*.—This was put off till 28th May. [Col. Entry Bk., Vol. XXX., p. 232.]

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Dec. 5.

1434. Copies of Robert Mason's declaration to the inhabitants of New Hampshire, offering to confirm them in their holdings, or grant them fresh land on reasonable terms, 8th December 1682; of the Governor's proclamation that one month's time shall be allowed to them to make their agreement from the 17th February 1683; of an Order of the Governor in Council empowering the Court wherein a cause has been tried to fix the amount of the security required on an appeal, 4th December 1683; of a declaration of Robert Mason in the Court of Great Island, that he is willing to forego all the judgments given in his favour, except costs, suspend execution thereon, and go to new trial with any that wish it before the King and Privy Council. *Certified by Richard Chamberlain. The whole, 2½ pp. Endorsed.* Read 6 Nov. 1686. [Col. Papers, Vol. LII., No. 78.]

[Dec. 5]

1435. Sir Richard Dutton's answer to the charges of Samuel Hanson (*see ante*, No. 1409). Mr. Hanson's attack was unexpected, and is levelled as much against the King's Government as myself. I answer the charges *seriatim*. (1.) On my arrival at Barbados all commissions ceased. I immediately issued new ones, particularly to the judges, and continued them without alteration for more than a year's time. Having then learned by experience somewhat of the disaffection of some of the judges, I did remove some of them, for reasons which I forbear to mention without the King's special order. As to putting my relations into their places, I deny it, and as to the person, Rawlins, whom he scandalously suggests to be a musician (as if he were a common fiddler) and whom I put into Hannay's office, the allegation is false. It happened a week after my arrival when I knew nothing of Hannay or any one else. Rawlins was brought up to the law in the Temple, and was well qualified, and the appointment was an injury to no one. In any case it is for Hannay and not Hanson to complain. As to the refusal to admit patentees, I objected to one deputy as insufficient and to another patent as wrongfully obtained, as my instructions and your orders bid me. (2.) I found some of the Church and clergy in much disorder, and that there were several schoolmasters who were Anabaptists and Quakers, so I thought it my duty to provide for the proper education of the children in the teaching of the Church of England. I therefore ejected such as refused the oaths of allegiance and supremacy, and appointed a well-qualified person as surrogate to inspect the orders of ministers and the qualifications of schoolmasters. I appointed a minister for the duty. One Grey, who for years had baptized and married having no orders, fled from the island. I reported the story to the Primate and the Bishop of London. This proceeding stirred up Hanson and the fanatics against me, who complained that the surrogate's clerk had taken fees. I answered then as I answer now that such was not my order, and that any persons so injured should by my care be redressed. (3.) I did order this prayer to be formed for the Governor and Council on advising with the most learned of the clergy. I approved it as being that which

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mutatis mutandis is used in Ireland. Hanson was never known to come nearer to a church than its doors, so that I cannot believe that he and his persuasion have any zeal for religion. (4, 5, 6.) These charges relate to Hanson's private appeals alone, in which he so far distrusts the King's justice that he betakes himself to the common law. I deny that there were any malice in the prosecution, which was begun by my predecessor. (7.) I wholly deny that I ever exacted money that was not justifiable by law from any one, or that I received any present from the Spaniard mentioned until he had finished all his business and was on the point of leaving the Island. If any one had been injured they would not have left it to Hansom to complain. The present that I accepted had been accepted by former Governors; it is a custom and I hope no misdemeanour. (8.) This article is like the other. Hanson asperses me, but names no one whom I injured in the matter of probate. The ground of the complaint is explained and is here set down. I do not see that I have been influenced by any other motive than charity. Hanson complains, but the parties concerned are satisfied. (9.) On the Assembly's address to me that a new oath might be administered to the Councillors who sat with me upon writs of error and in Chancery, I told them that I thought their proposal strange, as the Councillors were already bound by a sufficiently strict oath. I said, however, that if they could show me improvements in method I would consider them. But they could not. (10.) This is very false and scandalous. I never asked the Assembly for money for myself, on the contrary I told them that I scorned to be a precarious Governor, and asked money only for the public service. If I had wanted to make money I could have got 2,000*l.* for passing the Habeas Corpus Act, which was offered me by one of Hanson's faction in the Assembly. As to raising money by an imposition on negroes except as directed by law, I absolutely deny it. I spent all money as directed by the Act. If there is the least mention in any of the Acts that I shall bear the expense of holding Grand Sessions, I plead guilty to all Hanson's charge. If I had undertaken it with the 1,000*l.* they gave me I should have been a heavy loser, for sessions cost me 120*l.* for ten days. The present of 1,500*l.* was a free present, and the last 500*l.* to pay the expenses of my journey to England, as appears in the Act. As to the Government House I followed the practice of all my predecessors. I took money for its repair because it was falling down. I let it because I wanted it kept in order. If Mr. Witham had wanted it, he should have had it, but he has a large estate to look after and a house of his own in town. (11.) I am flattered by Hanson's statement that I prevailed with the Assembly to pass an excise on liquors, for others have failed to do so. It was applied, of course, to the purposes mentioned in the Act. (12.) I can only protest that I acted only for the King's honour and advantage. (13.) This again is false. (14.) This again is malicious. I only took pains that a negro who had been freed should be free. Hanson once tortured a negro to death for trespassing on his ground and refused him a cup of cold water in his dying agony.

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The second allegation I explain here at length. (15.) I committed Hyatt, not under an English but under a local statute. If he is still in gaol he has only his own obstinacy to thank. (16.) This again is false. On my intention to return to England I ordered the ships that were ready to sail in a fleet for mutual security. They were not unreasonably detained, and were glad to receive the order. I sailed in company with the fleet for five or six days, but finding that the frigate was obliged to lie by ten hours in every twenty-four to wait for them, the captain and I decided at last to leave them, for we had a very sickly ship, several men dead of spotted fever, no medicines, no brandy, pease, butter, or fish, the ale spoiled, no provisions for one hundred and twenty men but spoiled beef and pork, and danger of water running short. Even so I should not have left them, did we not know that they were safe from any enemy. *Signed, Ri. Dutton. 17½ pp. Several corrections in William Blathwayt's hand. Inscribed and endorsed, Recd. 5 December 1685. [Col. Papers, Vol. LII., No. 79.]*

Dec. 6. **1436.** Journal of Council and Assembly of Antigua. The Governor and Council send the new Act of Extent to the Assembly, and desiring its concurrence in a clause to repeal the old Act and a second clause to annex negroes as part of the freehold. [Col. Papers, Vol. XLIX., No. 81.]

Dec. 6. **1437.** An Act passed in the island of Antigua for extending lands or goods for debts, fines, or amerciaments. *With memorandum.*—This Act, dated in October 1669, was repealed 19th December 1683, and re-enacted in Antigua the 6th of the same month. Repealed by an Order of 5th May 1685. [Col. Papers, Vol. XXIII., No. 109.]

Dec. 6. **1438.** Minutes of Council of St. Christophers. Order that all shipping on arrival give a true account of their cargo, under penalty of forfeiting their obligations, in order to ensure payment of the one pound of powder per ton.

Proposed by the Governor and Council, that the Act to encourage importation of men-servants be amended, so as to oblige every owner of ten acres of manurable land to keep one able-bodied servant, and owners of larger areas to keep one such servant for every twenty-five acres. The Assembly agree, provided that servants may be had for the price of not more than 1,800 lbs. of sugar. Order for a warrant to summon the carpenters and sawyers to work on the Sessions House. Ralph Willett and Charles Mathew sworn of the Council. Order for writs to be issued for the election of two members to the Assembly in their place. [Col. Papers, Vol. L., No. 98.]

Dec. 6.

1439. Minutes of Assembly of Virginia. The Lieutenant Governor made a speech commanding to the burgesses the despatch of business and payment of public liabilities. The burgesses sent a resolution for the concurrence of the Council that all

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appeals pending to the present Assembly be put off till next session.

Dec. 8.

The Council concurred in this resolution. The burgesses sent up three Acts, for the better preventing of insurrections, for declaring Indian women-servants titheable, and for repealing a former law to make Indians free, which, with two more Acts for commissions and writs, were assented to. Act for declaring the laws of Assembly to be in force deferred. Act to prohibit export of iron, wool, &c., assented to.

Dec. 9.

On message of the burgesses the Council agreed to the payment of 25*l.* to Thomas Gardner. Address of the burgesses praying that the Act to enforce the laws may be assented to. [Col. Entry Bk., Vol. LXXXV., p. 35.]

Dec. 7.
Patuxent.

1440. Lord Baltimore to William Blathwayt. In my last I acknowledged yours of 8th September, assuring me that nothing would be concluded by the Council without hearing me or my agents, and that if I come over in the spring you believe that I shall find the Delaware business undetermined. I hope to be heard in person, and with the more confidence for that both my father and myself petitioned the Duke of York for the hearing of the matter, but his Highness's important business did not permit it while I was in England. Since that, I have sought the same object as closely as good manners would permit, so it would be hard that it should be concluded in my absence. It is a matter of such importance to me that I dare not commit it even to the best of agents, so I beg you still for time to be given me to defend my right to Delaware (that part of it, I mean, which lies south of the fortieth parallel) in person. If my unkind neighbour, William Penn, or his agents, are able to make out that there were Dutch seated at Delaware before my patent to Maryland was granted (which will be somewhat hard to prove), I shall then clearly prove that these Dutch were usurpers and were utterly disowned by the States of Holland. I have undeniable evidence of this, such as Mr. Penn will not withstand, and possibly then I shall be able to produce something under Penn's hand to the same purpose. I am so well armed with proofs that I only beg a personal hearing. *Holograph.* 2 pp. *Endorsed.* Rec. 21 April 1684. [Col. Papers, Vol. LII., No. 80.]

Dec. 7.

1441. Duplicate of foregoing. *Endorsed.* Rec. 16 Feb. 1683-4. [Col. Papers, Vol. LII., No. 81.]

Dec. 11.

1442. Lord Baltimore to Sir Leoline Jenkins. A matter of great concern to me lies before the Council. It is about a grant which I am assured my ill neighbour William Penn is endeavouring through his agents to get passed, of no less than one-third of my province, that, namely, which lies east of Chesapeake Bay and is on Delaware River to the southward of the fortieth degree of latitude, which he pretends was settled by some Dutch before my patent was granted. I have undeniable proofs in controversy in my hands. *Holograph.* 1½ pp. [Col. Papers, Vol. LII., No. 82.]

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- Dec. 11. **1443.** Duplicate of foregoing. 1 p. [Col. Papers, Vol. LII., No. 83.]

[Dec. 7.]

- 1444.** Grounds upon which Lord Baltimore lays claim to a part of Delaware Bay, at present in possession of the Duke of York's Commissioners, that is, Whorekill, on the west side and near the mouth of the bay and New Castle, formerly called by the Dutch New Austell. His Royal Highness's Patent of New York is bounded by the east side of said bay. 1 p. [Col. Papers, Vol. LII., No. 84.]

Dec. 7.
New England.

- 1445.** The Magistrates of New England to Sir Leoline Jenkins. It is our great unhappiness that the many complaints of us to the King have at length prevailed with him to issue a *quo warranto* to vacate our charter. Mr. Randolph has lately brought notification thereof and the Royal declaration, and we have communicated them to a General Assembly convened for the purpose. The major part of the magistrates have for weeks contended and voted to submit to the King's pleasure rather than contest with him in a court of law, and to send over agents empowered to this end by next opportunity, but we can by no means prevail with the Deputies, and have therefore agreed to a power of attorney to have a present default, in the hope of prevailing a little later. We beg you to believe that we have endeavoured, with all earnestness, for the King's satisfaction, being fully reassured by the King's letters and declaration. We know that this imperfect submission cannot be pleasing to the King, but we have consented so far in order to gain time. We have thought it our duty to inform you hereof, and hope before next ship to prevail with the people to a better understanding. *Signed*, P. Bulkeley, S. Bradstreet, Govr., Nat. Saltonstall, B. Gidney, James Russell, Wm. Stoughton, J. Dudley, Wm. Brown. *Copy*. 1 p. *Endorsed*. Rec. 21 Feb. 1683/4 by Mr. Randolph. [Col. Papers, Vol. LII., No. 85, and Col. Entry Bk., Vol. LXI., pp. 197, 198.]

Dec. 7.
Whitehall.

- 1446.** Order of the King in Council. Approving the appointment of Samuel Barry to the Council of Jamaica. [Col. Entry Bk., Vol. XCIX., p. 283.]

Dec. 10.

- 1447.** Extract from a Memorial of the Commissioners of Customs. That the King's ministers and agents in France, Spain, the Netherlands, Denmark, Sweden, and the Hanse Towns be instructed to use all diligence to discover ships that come into the ports of those countries with any of the enumerated commodities from the Colonies, without having first brought them to England and paid duty on them; also to correspond with the Commissioners of Customs on these matters, giving full particulars. [Col. Entry Bk., Vol. XCIX., pp. 287, 288.]

Dec. 11.

- 1448.** Journal of Lords of Trade and Plantations. Appeal of George Walton called, but no appellant appearing the case was deferred to 8th January. It being reported that the Duke of

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Courland was preparing a settlement in Tobago, ordered that the Duke's pretensions and his contract with the settlers be inquired into, and the papers sent to the Attorney General for his opinion. Captain Poyntz to attend the Council to-morrow. For if Tobago be made a free port, as designed, it will be of great prejudice to the English Colonies. The appellant not appearing in the appeal of Walter Barefoot, the case was dismissed. [Col. Entry Bk., Vol. CVII., pp. 249-251.]

- Dec. 11. **1449.** William Blathwayt to the Attorney General. Forwarding copy of the King's grant of Tobago to the Duke of Courland, for his report. 1 p. [Col. Papers, Vol. LII., No. 86.]
- Dec. 11. **1450.** Draft of foregoing, with corrections. 1 p. [Col. Papers, Vol. LII., No. 87.]
- Dec. 11. **1451.** William Blathwayt to Sir R. Dereham. Summoning him, as the Duke of Courland's agent, to attend the Lords of Trade on the business of Tobago, and bidding him warn Captain Poyntz to attend also. *Draft.* 1 p. [Col. Papers, Vol. LII., No. 88.]
- Dec. 11. **1452.** Attestation of notice of summons in the appeal of George Walton against Robert Wadleigh. *Copy.* 1 p. *Endorsed.* [Col. Papers, Vol. LII., No. 89, and Col. Entry Bk., Vol. LXVII., p. 98.]
- Dec. 11. **1453.** The King to Sir Thomas Lynch. Directing the Court of Admiralty to proceed to sentence in the case of Jacob Hall, in the case of the sloop belonging to Edward Fielding, John Roach, and William Hayman. [Col. Entry Bk., Vol. XCIX., pp. 281, 282.]
- Dec. 11. **1454.** Minutes of Assembly of Virginia. On request of some of the burgesses a warrant was issued for the seizure of deerskins on Captain Benjamin Hall's ship. Message from the Assembly asking that Isle of Wight and Nancymond Counties might be repaid expenses of quartering soldiers in 1677. Answered that the King's decision on the matter was expected. The House of Burgesses undertook to prosecute the business of Captain Hall's deerskins.
- Dec. 12. Message from the Lieutenant Governor showing that there was no occasion for an Act declaring the Acts of Assembly to be in force; adding that Lord Culpeper was expected every day, and that he could be addressed on the subject if necessary. Acts for repealing clauses of Act No. 9 of 1664 and No. 6 of 1680, and for ensuring the freedom of witnesses from arrest, brought up by the burgesses and assented to. Act for encouragement of manufactures assented to, but an amendment proposed. Act for explaining certain words in the charter of 1676 respecting fees and escheats assented to, with reservation of certain portions. [Col. Entry Bk., Vol. LXXXV., pp. 40-43.]
- Dec. 12. **1455.** Lords of Trade and Plantations to the Governor of the Leeward Islands. Instructing him to see that all masters of ships produce certificates of their bonds to the King's Collector as well as

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to the Naval Officer. *Signed*, Guildford, Halifax, Huntingdon, Ormond, Bridgwater, Clarendon, Craven, J. Ernle, L. Jenkins, G. Jeffreys. *Copy*. 1 p. *Endorsed*. [Col. Papers, Vol. LII., No. 90.]

Dec. 12. **1456.** Memorial for the French Ambassador. The Hudson's Bay Company represents that in August last year two French vessels, the St. Pierre and Ste. Anne, sailed into a branch of the port of Nelson, which was made over to the Company by letters patent and has been much improved at great cost to it. Also French from Canada last June entered a factory built by the Company, burnt the buildings and carried off Mr. John Bridgar, the commander, with all the English belonging to the factory, refused them victuals, and changed the names of the two branches of the river, saying they did so by orders of the King their master. The Company further complains that in August last the French carried off an English ship, the Bachelor's Delight, from the port of Nelson, compelled ten servants of the Company to embark on the Ste. Anne with insufficient victuals, and while the vessel was in an unseaworthy state. The victims of this cruelty having made oath thereof to the King, he has ordered me to represent the same to you, and to ask that the King of France will give orders for the punishment of the offenders and reparation to the sufferers. *Signed*, L. Jenkins. *French*. 2½ pp. [Col. Entry Bk., Vol. XCIX., pp. 284-286.]

[Dec. 12.] **1457.** Memorandum of Council. Captain Poyntz with others that design a plantation in Tobago called in and examined. The King forbade all persons to proceed further with that design, and ordered a letter to be written to the Governor of Barbados to discourage any such undertaking. *Draft, with corrections in William Blathwayt's hand*. 1 p. [Col. Papers, Vol. LII., No. 91.]

Dec. 13. **1458.** Minutes of Council of Barbados. Order for payment of money due to John Johnson (two items), and to Nathaniel Clark on account of fortifications, to Captain Carmichael for rent and preparation of the House for Grand Sessions, to Michael Symons, matross of Speights Bay fort for a year's salary, to Symon Cooper for work on the fortifications of St. Michael's, to Benjamin Dwight for accommodation of the Committee of Public Accounts, to William Wiles and Edmond Ditty for rebate of duty paid by them, to Thomas Wilbraham as Clerk to the Committee of Public Accounts, to William Burges for two negroes of his that had been executed. Edwyn Stede, John Hallett, and Stephen Gascoigne to supervise the materials for the magazine. Edwyn Stede and Robert Davers took the oaths as Baron of the Exchequer and Judge of the Court of King's Bench. [Col. Entry Bk., Vol. XI., pp. 599-607.]

Dec. 14. **1459.** Order of the King in Council. As it appears that one Whitehall. Captain Poyntz and others are shipping Englishmen to Tobago for settlement in such manner as to injure the other Colonies, Ordered that such transportation be stopped till further order. Sir Richard

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Dutton to inquire meanwhile and report. *Signed*, Francis Gwyn. [Col. Entry Bk., Vol. VII., p. 220.]

Dec. 14.
Whitehall.

1460. Order of the King in Council. Approving Sir Richard Dutton's report of 22nd October for the satisfaction of the claims of Thomas Forrester. Ordered accordingly. [Col. Entry Bk., Vol. VII., pp. 240, 241.]

Dec. 14.
Whitehall.

1461. Order of the King in Council. That Sir Thomas Lynch be empowered to treat with Laurens the pirate, in order to pardon him and let him settle on the Island on giving security for his good behaviour for the future; Sir Thomas having reason to believe that such is Laurens's wish. Secretary Jenkins to prepare a letter. *Signed*, Francis Gwyn. $\frac{1}{2}$ p. *Endorsed*. [Col. Papers, Vol. LII., No. 92, and Col. Entry Bk., Vol. XXX., p. 179.]

Dec. 14.

1462. Minutes of Lords Proprietors of Carolina. Ordered, (1.) That Mr. Sothell be directed to report the names of those for whom he filled the blank deputations, and if any of them were concerned in the late disturbances to put them out. Also to select four of the discreetest honest men in the country, not concerned in the disturbances, to inquire into the same. (2.) That Mr. Biggs be ordered to set down in writing what injury he has suffered from Mr. Sothell or other public officer in Carolina, that the Proprietors may judge thereof. (3.) That Mr. Sothell address letters concerning the public of Carolina to the Palatine; that he give particulars of quit-rents and other perquisites; that he report as to Colonel Ludwell's land, and why it is detained from him; that he take prudent care to preserve the boundaries. Sir Peter Colleton's purchase of Lady Berkeley's right to the proprietorship for 300*l.* approved. (*Memorandum*.—This purchase was made on behalf of the Duke of Albemarle, Lord Craven, Lord Carteret, and Sir Peter Colleton, and was conveyed in trust to Mr. Thomas Amy for them.) Mr. Timothy Biggs's land to be confirmed to him if his wife consent, or if not to his wife only. [Col. Entry Bks., Vol. XX., pp. 210, 211, and Vol. XXII., pp. 21, 22.]

Dec. 14.

1463. Anonymous letter to [Sir Leoline Jenkins?] deprecating the attack on the charter of Massachusetts, on the ground of the loyalty of the people and the probable expense of the change. *Signed*, Phile; Roy Philopatris. *Four closely written pages*. *Endorsed*. Recd. about 21 Feb. Anonymous. [Col. Papers, Vol. LII., No. 93.]

Dec. 14.
Whitehall.

1464. Order of the King in Council. Approving the additional instructions to Lord Howard of Effingham. *Signed*, Francis Gwyn. $\frac{1}{4}$ p. *Endorsed*. [Col. Papers, Vol. LII., No. 94, and Col. Entry Bk., Vol. LXXXII., p. 272.]

Dec. 14.

1465. Journal of Assembly of Virginia. Order as to the seizure of Captain Hall's deerskins; also for presenting the accounts for the payment of the soldiers. The Burgesses brought up the Act for

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advancement of manufactures, which was returned with additions. It was again brought up and assented to. Accounts of payment of soldiers produced : account of public debts sent to the Burgesses. Orders thereupon for various payments.

Dec. 15. Payments ordered yesterday confirmed. Certain presents voted by the Burgesses to the Speaker, the Clerk of Assembly, and Robert Beverley. Ordered by the Deputy Governor and Council to be reserved for the next Assembly. The Burgesses objected, and the dispute kept both Houses sitting into the night.

Dec. 16. The Council conceded the payment of Beverley's claim. An allowance made to the Clerk of Assembly. [Col. *Entry Bk.*, Vol. LXXXV., pp. 43-57.]

Dec. 15. **1466.** Order of the Commissioners of the Admiralty. Order for stopping Captain Poyntz's ship Fountain, which is now at Gravesend bound for Tobago. *Signed*, Nottingham, Hen. Savile, Jn. Chicheley. J. Brisbane. *Copy*. $\frac{1}{2}$ p. *Endorsed*. [Col. *Papers*, Vol. LII., No. 95.]

[Dec.] **1467.** The proceedings of Captain Poyntz and company in relation to the settling of Tobago. Understanding that the King had granted Tobago to the Duke of Courland, Poyntz and company obtained a grant of 120,000 acres from the Duke under certain conditions. Some time later they acquainted the King in St. James's Park of the grant and of their intentions, and petitioned him to appoint persons to swear them and colours for them to carry. They then put some servants and goods in the ship Fountain, Elias Andrews commander, but the ship has been stopped by Royal order, though Poyntz and company are quite ignorant of the offence that they have committed. *Signed*, Jno. Poyntz, Henry Cookman, Philip Redwood, Thomas Poyntz, Sam. Cookman. 1 p. *Endorsed*. [Col. *Papers*, Vol. LII., No. 96.] 

[Dec.] **1468.** Petition of Elias Andrews to the King. Is master of the ship Fountain, which was stopped at Gravesend, when bound to Barbados and Tobago, by Royal order, on the ground that the ship was the property of Captain Poyntz. Poyntz is not even part owner and has little cargo aboard, and but three passengers. Prays release of the ship. *Copy*. 1 p. *Endorsed*. [Col. *Papers*, Vol. LII., No. 97.]

Dec. 15. **1469.** The King to Sir Thomas Lynch. Warrant for the admission of Samuel Barry to the Council of Jamaica. [Col. *Entry Bk.*, Vol. XCIX., p. 283.]

Dec. 17. **1470.** Return of imports and shipping from 17th September to 17th December, 1683. [Col. *Entry Bk.*, Vol. X., No. 18.]

Dec. 17. **1471.** Deposition of Robert Richardson. Sailed from London in the ship Summer Island, Captain George Bond, master. At St. Thomas Bond was persuaded to turn pirate. Narrative of his captures, one of which, the Gideon, he sent to St. Thomas, where she was

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unloaded by the Governor, who gave the pirates protection and had furnished them with rigging and provisions. List of Bond's men. $2\frac{1}{2}$ pp. Sworn before Sir William Stapleton 27th December 1683. *Endorsed with a long précis.* Rec. 15 April 1684. [Col. Papers, Vol. LII., No. 98.]

Dec. 17. **1472.** Deposition of John Poynting. Is master of a sloop. Has several times been to St. Thomas and knows several of Hamlin, the pirate's men, who are now settled in St. Thomas. The Governor was in correspondence with the pirates who brought in the Gideon, and assured them of his protection. Six of deponent's men joined the pirate Bond. List of the men who brought in the Gideon. *Sworn and endorsed as the preceding.* [Col. Papers, Vol. LII., No. 99.]

Dec. 17. **1473.** Deposition of John Thomson. Came to St. Thomas in a sloop from Barbados, and was persuaded by the Governor to become his overseer. Remembers the ship Gideon being brought in by pirates. Account of her cargo, which was put in the storehouse of the Governor, who gave the crew an ounce of gold-dust a man and treats them kindly. The pirates are all English. $2\frac{1}{2}$ pp. *Sworn and endorsed as the preceding.* [Col. Papers, Vol. LII., No. 100.]

Dec. 17. **1474.** Depositions of Captains Dennis Dey, Andrew Vandeveld, and Mr. Laurence Westerband. Were sent by Sir William Stapleton to look after pirates. Learned that Bond had bought a Dutch ship in St. Thomas. Went there and seized her. The Governor of St. Thomas pretended that she was a wreck and claimed her; he also threatened vengeance against the English. Deponents brought the ship to Nevis. 2 pp. *Sworn and endorsed as the preceding.* [Col. Papers, Vol. LII., No. 101.]

Dec. 18. **1475.** Extract of a letter from Barbados, dated 18th December 1683. The Island was lately in alarm over an insurrection of the negroes. About a fortnight or three weeks ago a messenger came to my house at St. Michael's about 2 a.m., knocked loudly at my door, and said that the whole of the leeward of the Island was in arms over some alarm, which he thought came of a negro rebellion. No messenger followed him, so I simply sent to the officers of my regiment in town, telling them to be ready to join the part of the regiment in the country, if necessary. But presently a message came from a Major of horse to his Colonel that he could find no cause for the alarm; the negroes were quiet and had no arms. On inquiry, nothing could be made out against the negroes except four or five bold insolent blacks, who were well whipped as an example, and one old negro belonging to Madam Sharp, who frightened his mistress by saying of some Christians, who were beating negroes, that the negroes ere long would serve the Christians so. For which he was sentenced to be burnt alive, and was put to death. Since this some foolish mischievous persons have scattered about the enclosed paper and others like it, forgetting that negroes are not able to read. If we could find out the authors of these papers,

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it would be right that they should be punished. *Here follows copy of the paper*, dated 29th November 1683. *Annexed,*

1475. i. Another copy of the same paper. *Scrap. The whole headed as above.* [Col. Papers, Vol. LII., Nos. 102, 102 i.]

Dec. 18. 1476. Journal of Assembly of Virginia. Amendments sent to the Burgesses on several Acts recently passed. [*Lord Culpeper had arrived on the 16th.*] The Speaker and Burgesses waited on His Excellency and congratulated him on his return.

Dec. 19. Amendment of the Acts by Lord Culpeper continued. His speech. He refused to allow the payment of Major Beverley's claim, and objected to the omission of the Attorney General from the list of those paid. On the address of the Burgesses he made over to them Captain Hall's forfeited deerskins.

Dec. 20. The Burgesses represented to the Governor that they had amended some of the laws according to his direction and hoped that the rest would soon be assented to, as the Assembly had lasted long. The Governor told them that if they disagreed with his amendments to let him know at once, for that his instructions forbade them to sit so long.

Dec. 21. The Burgesses produced their objections to Lord Culpeper's proposed amendments and to his refusal to pay Robert Beverley's claim. The Governor replied that he was not convinced, but that to save further sitting and expense he would consent to the counter proposals of the Burgesses, except in respect of Robert Beverley, whose claim he declined to allow.

Dec. 22. Four gentlemen appointed to receive the confiscated deerskins assigned to the burgesses by the Governor's order. The Acts of the session were brought up and assented to. Lord Culpeper's speech. The King so resented the late insurrection that he instructed me to call no assembly at all till the dignity of the Government should be asserted. You have omitted to make a law providing special penalties against such insurrection, but I hope at least that on your return home you will hold up such acts to general detestation. The Assembly is dissolved. [Col. Entry Bk., Vol. LXXXV., pp. 57-71.]

[Dec. 22.] 1477. The accounts laid before the Assembly of Virginia in this session. [Col. Entry Bk., Vol. LXXXV., pp. 75-93.]

Dec. 19. 1478. Order of the King in Council. Repealing the Act of Whitehall. St. Christophers for speedier payment of debts, and the Act of Antigua for extending lands or goods for debts and mulcts (*see ante*, No. 1333). [Col. Entry Bk., Vol. XLVII., p. 134.]

Dec. 19. 1479. Order of the King in Council. On the petition of Samuel Whitehall. Hanson that previous Orders of Council relating to his case may be altered, the King sees no reason to alter them. Hanson is free to say before next Council day whether he will prosecute his appeals at common law or before the Council, and is to be provided with a

1683.

copy of Sir Richard Dutton's defence. [Col. *Entry Bk.*, Vol. VII., pp. 214, 215.]

Dec. 19.
Whitehall.

1480. William Blathwayt to Sir John Werden. Ordering him to attend the Council on the morrow, when the subject of the jurisdiction of the Admiralty will be discussed. [Col. *Entry Bk.*, Vol. XXX., p. 232.]

Dec. 20.

1481. Journal of Lords of Trade and Plantations. The appeal of Walter Barefoot finally dismissed.

The jurisdiction of the Admiralty Court in Jamaica considered. Agreed to submit certain questions to the Crown law-officers (*see two following abstracts*). Two draft Acts respecting importation of negroes into Jamaica, by the Jamaican merchants and the Royal African Company respectively, read. The Lords agree upon their own draft, to the effect that the Company shall import five thousand negroes the first year and three thousand annually in subsequent years. [Col. *Entry Bk.*, Vol. CVII., pp. 252-255.]

[Dec. 20.]

1482. Sir Thomas Lynch's representations respecting the Admiralty in Jamaica. Being extracts taken from his letters of 6th May and 12th September, on the subject of the Governor's powers as Vice-Admiral to take vessels into the King's service and to call court-martials of the officers appointed to command them (*see ante*, Nos. 1065, 1249). *Endorsed.* Read 20 Dec. 1683. 2 pp. [Col. *Papers*, Vol. LII., No. 103.]

[Dec. 20.]

1483. Mr. Brisbane's opinion and proposals on Sir Thomas Lynch's representations respecting the Admiralty. If the unusual power of trying by court-martial were given to a Governor, he would seldom be able to use it for want of the number of captains required by statute for a court-martial. Nor does it therefore follow thence that there must be a failure of justice against commanding officers and seamen of the King's ships, where the Governors have Commission of Oyer and Terminer to judge all crimes committed at sea. The statutes giving power of military justice to the Lord High Admiral and those commissioned by him were made to increase his powers of discipline, but there is nothing in them to exempt those in the King's pay at sea from the ordinary and more ancient jurisdiction of Admiralty. Sir Thomas might have tried Captain Churchill by Commission of Oyer and Terminer, though not by court-martial, which he wrongly judged to be the only way to try the King's captains and seamen. Perhaps the latter might dislike a trial by Oyer and Terminer as something new, but it is perfectly legal. On another point: It is received for truth that if, for instance, a Dutchman accuse of piracy the captain of a Spanish man-of-war, here in England or in any of the Colonies, the Spanish captain may lawfully be arrested, tried, condemned, and executed by the sessions, which is the Criminal Court of Admiralty, and that his commission would not avail him, because a man may have a very good commission and yet be a rank pirate, and be justly and legally hanged for the same. In the same way,

1683.

English captains may be tried by the Admiralty of Spain, so why not by the Admiralties legally established in the Colonies? Several actions for damages have lately been brought in the Admiralty against the King's captains for acts done by them at sea. They defended themselves as best they might, but not one was advised to except against the jurisdiction of the Court. If they had been prosecuted criminally they must equally have submitted. If this be found law, Sir Thomas Lynch and other Governors may be told that they can try persons in the King's ships by Commission of Oyer and Terminer. If it be feared that the King's captains will refuse to submit themselves, the difficulty may be overcome by the issue of a standing instruction of the Lords of the Admiralty to commanders of ships. *Here follows a draft instruction, to the purport that officers refusing to accept the jurisdiction of the Colonial Court shall, on their return home, be held guilty of the crime imputed to them, without further inquiry. They may, however, in all cases appeal to the English High Court of Admiralty.* On the whole it is recommended (1) That all such trials shall be conducted with the greatest expedition, so as not to obstruct the King's service. (2) In cases of appeal the culprit must for graver offences be kept in custody, and for lighter offences give security for his appearance. (3) The offences committed by order of a superior officer shall be charged against that superior officer. It is worthy of consideration whether offences committed by the King's officers and seamen among themselves should not, though certainly triable by the Admiralty Court's Sessions, be reserved for court-martial. This is a remarkable defect in the government of the Navy. 4 pp. Unsigned. Inscribed, To be read immediately after Sir T. Lynch's representations. [Col. Papers, Vol. LII., No. 104].

Dec. 20.
Council
Chamber.

1484. William Blathwayt to the Attorney and Solicitor General, the King's Advocate General, and Sir Richard Lloyd, Advocate to the Duke of York. Submitting two questions:—(1.) The Duke being High Admiral of the Foreign Plantations and having Vice-Admiralty and Admiralty Courts there with the same extent of power as Vice-Admirals and Admiral-Courts in England, have such Vice-Admirals power to punish disobedience and disorders committed at sea, as well as on board the King's ships sent by order of the Commissioners of the Admiralty in England for the King's service, as on ships fitted out from time to time by the Governors, who are the Duke's Vice-Admirals; and in what manner? (2.) Have such Vice-Admirals power to grant commissions and to fit out vessels within the district of each respective Admiralty for the pursuing and apprehending of pirates? Signed. 1 p. Endorsed. [Col. Papers, Vol. LII., No. 105, and Col. Entry Bk., Vol. XXX., pp. 233, 234.]

Dec. 20.

1485. Minutes of Council of St. Christophers. The Governor produced a letter from His Excellency, dated 18th December, consenting to second the petition to the King for arms, and to allow Christopher Jeaffreson to solicit the matter. William Willett sworn of the Council. [Col. Papers, Vol. L., No. 98.]

1683.

- Dec. 27. **1486.** Minutes of Council of Jamaica. John Bourden sworn of St. Jago de la Vega. Major William Dyre called in and asked what he pretended to by his commission, which was produced, being signed by the Commissioners of Customs. After debate, resolved that he be admitted to his office as Surveyor-General of the King's Customs, and he was sworn accordingly. Henry Egleton took the oaths as Deputy Secretary and Clerk of Council. Order for Francis Hickman, the present Secretary, to deliver to him the records of his office. [Col. Entry Bk., Vol. XXXVI., pp. 32, 32a.]

Dec. 27.
Jamaica.

- 1487.** Sir Thomas Lynch to [Sir Leoline Jenkins]. I have already sent the duplicates of our laws. This will be delivered to you by Captain Peter Heywood, whom I was commanded to send home prisoner about the loss of His Majesty's ship Norwich. I have deferred it till now, having no man-of-war homeward bound. Captain Churchill, who brings this, is not under my command, but I gave him a copy of the King's order. *Holograph.* 1 p. *Endorsed.* [Col. Papers, Vol. LII., No. 106.]

Dec. 28.

- 1488.** Nicholas Spencer to Lords of Trade and Plantations. I gave you an account of the inroads of the Senecas. We must preserve our neighbouring Indians, for without Indian assistance it is impossible to follow the movements of these hostile tribes in a woody country. Our patrols of horse have succeeded in beating off the foreign Indians for the present, and we are taking the opportunity to unite the friendly tribes in stronger bodies, and supply them with arms. *Signed,* Nicho. Spence. *Holograph.* 1 p. *Endorsed.* [Col. Papers, Vol. LII., No. 107.]

Dec. 31.
Port Royal.

- 1489.** Deposition of Edward Hazle, respecting the riots at the Point, Jamaica, on 2nd October 1683 (*see ante*, No. 1348), taken before James Banckes at Port Royal, 31st December 1683, and certified by him. 2 pp. *Endorsed.* Read before the Committee, 18 June 1684. [Col. Papers, Vol. LII., No. 108.]

[Dec. ?]

- 1490.** An abstract of the case of Robert Orchard, being a digest of previous transactions therein (*see ante*, No. 1228). 3 pp. [Col. Papers, Vol. LII., No. 109.]

[Dec. ?]

- 1491.** Petition of Robert Orchard to Lords of Trade and Plantations. Prays for a report on his case as directed by the King. The Boston agents are embarked for America, and have gone leaving an answer with him, but no person to appear before the Board. 1 p. *Endorsed and inscribed,* 1683. [Col. Papers, Vol. LII., No. 110.]

[Dec. ?]

- 1492.** Instructions for the Commander of the Ketch in Virginia. An enumeration of the Acts of Trade and Navigation of 12, 15, 25 Car. II., and a general instruction to be diligent in enforcing them. The officer is to obey the orders of the King's Collectors in Maryland and Virginia, but always subject to the superior commands of the Governor of Virginia. *Copy.* 8 pp. *Unsigned.* *Endorsed.* [Col. Papers, Vol. LII., No. 111.]

1683.

[1683?]

1493. Complaint of the Mayors of Barnstaple and Bideford on the proceedings of masters of ships at Newfoundland. 1. They pull down the standing stages to cure their fish, to the great prejudice of those that visit the harbour after them. 2. They cut down the stages for firewood when the fishing season is ended. 3. It should be ordered that none are permitted to fish in Newfoundland from the 20th September to the 20th April. "This complaint comes from the Mayors of Barnstaple and Bitheford, and is presented by their Agent, Richard Harris." $\frac{1}{2}$ p. Undated. *The writing rather of James I.'s time, but with a few later turns.* [Col. Papers, Vol. LII., No. 112.]

Dec.

1494. Petition of Mary Forrester, on behalf of Thomas Forrester, to Lords of Trade and Plantations. As her case is under consideration, thinks it well to say that the house taken for the common gaol was a good house, and the rent agreed on 75*l.* a year. Prays that the matter may be settled by indifferent persons acting for the King, and for her brother in Barbados. 1 p. *Inscribed.* Read December 1683. [Col. Papers, Vol. LII., No. 113.]

1495. "Form of bond concerning ships in Barbados," i.e., that taken by masters of ships not to embark any person from the island without a ticket. $\frac{1}{2}$ p. [Col. Papers, Vol. LII., No. 114.]

1496. Abstract of records of all the grants of land made in South Carolina in 1683, continued from those abstracted in 1682 (*see ante*, No. 879).

Persons to whom granted.	Number of Acres.	In what County, Parish, or Township, or on what River or Creek granted.	Date.
Samuel Boswood Clayton -	220	Ashley River - -	1 March 1683.
John Chalmers - -	270	Stono River - -	" "

[Col. Entry Bk., Vol. XXIII., p. 4.]

1684.

Jan. 1.
Nevis.

1497. Deposition of Roger Elrington. Was at St. Thomas about five weeks since, and in company with Governor Esmitt; the latter said that the order sent by the King of Denmark with reference to the New England sloop brought in by pirates was only a blank filled up by Prince George, and that the King knew nothing of it, for that he always leaves blanks, and trusts to Prince George and others of his Court. Esmitt said further that he was sorry he let all the gold go out of the port, but that he hoped to have another vessel in shortly and so save himself. Sworn before Sir William Stapleton, 1st January 1683/4. *Signed*, Roger Elrington. 1 p. [Col. Papers, Vol. LIII., No. 1.]

Jan. 3.

1498. Affidavit of Elias Andrews, commander of the ship Fountain of London. That Captain Poyntz and his three servants

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have taken a passage in his ship, having no interest in her, and that he was not aware that Captain Poyntz designed to form a settlement at Tobago. Sworn before George Nicholas. 1 p. *Endorsed.* [Col. Papers, Vol. LIII., No. 2.]

Jan. 8.

1499. Memorandum of Lords of Trade and Plantations. The appeal of George Walton was fixed for this day, and the defendants attended accordingly, but the appellants did not appear. [Col. Entry Bk., Vol. CVII., p. 255.]

Jan. 9.

1500. Order of the King in Council. The Lords having reported that Mr. Hanson's reply to Sir Richard Dutton's defence against the articles exhibited against him is unsatisfactory, ordered that Mr. Hanson be left to take his course at common law against Sir Richard. [Col. Entry Bk., Vol. VII., p. 215.]

Jan. 9.
Barbados.

1501. Sir John Witham to Lords of Trade and Plantations. Forwarding the book of Acts and copies of the Council and Assembly books. [Col. Entry Bk., Vol. VII., p. 233.]

Jan. 11.
Port Royal.

1502. Deposition of Henry Archbold. Vindicating Sir Henry Morgan against the charge of having cursed the Assembly, and impeaching the evidence of Major Samuel Bache against Sir Henry. *Certified by Thomas Ballard.* 1 p. *Endorsed.* [Col. Papers, Vol. LIII., No. 3.]

Jan. 11.
Port Royal.

1503. Deposition of Roger Elletson respecting the riots at the Point. Denying that he was one of those who under Sir Henry Morgan's encouragement disturbed the peace, and complaining of the hardships that he had sustained in consequence of being suspected to be such. *Certified by Thomas Ballard.* 1½ pp. *Endorsed.* [Col. Papers, Vol. LIII., No. 4.]

Jan. 13.
Nevis.

1504. Sir William Stapleton to Lords of Trade and Plantations. Having received frequent complaints of the villainy of the Governor of St. Thomas, I beseech you to read the annexed depositions, and, if you think fit, to move His Majesty to ask satisfaction against the King of Denmark's Governor for fitting out a pirate, George Bond, receiving his captures, and protecting all the robbers, English subjects, whom I have often and lately demanded. A vessel taken from a Dutchman at Surinam and sent by Bond to St. Thomas was brought in here, but her cargo was landed at St. Thomas and the vessel bought by Governor Esmit of the pirates for an ounce of gold to each. She was taken last at Beef Island, near St. Thomas, to which and to all the Virgin Islands this pirate-Governor pretends a right, by a new commission from the King of Denmark, as he says. I beg your attention to his letter to my deputy at Tortola, whom I have ordered to assert the King's right to the Virgin Islands except St. Thomas. Pray observe also Esmit's reflections on the King and Prince George in Mr. Elrington's deposition (see No. 1497). My lords, there is no safe trading to or from these parts until that receptacle of thieves and sea-robbers

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be reduced or that Governor hanged who so openly protects them. I should have visited that squire before now to assert the King's right to the Virgin Islands had I a vessel to transport me. I await Captain Carlile in the Francis, who, by what casualty I know not, is gone to the Cape de Verdes. *Signed*, Wm. Stapleton. *Holograph*. 1 p. *Endorsed*. Recd. 15 April 1684. [Col. Papers, Vol. LIII., No. 5, and Col. Entry Bk., Vol. XLVII., pp. 116, 117.]

Jan. 15.
Great Island.

1505. Extract from Minutes of Council of New Hampshire. The Assembly having refused to pass any Bill for the support of the Government, it is ordered by the Governor and Council that a Committee of Council examine the accounts to see what taxes have been raised formerly, that they may be continued according to the King's Commission to the Governor. *Signed*, R. Chamberlain. 1 p. *Endorsed*. Recd. May 13. Read 10 June 1684. [Col. Papers, Vol. LIII., No. 6.]

Jan. 15.

1506. Minutes of Council of Jamaica. Assembly to be prorogued to 10th May. The Assembly was then summoned, when Captain Henry Archbold complained that on the 11th instant he had been affronted and kept on the guard all night by Lieutenant Snagg, the Captain of the Guard at Port Royal. The Governor ordered Colonel Molesworth to hold a court-martial. New writs were issued for Vere and St. Elizabeths. Being asked whether they desired anything further the Assembly mentioned their petition for the supply of negroes, on which, having received assurance, they were prorogued to 10th May. [Col. Entry Bk., Vol. XXXVI., pp. 32-34.]

Jan. 15.
Custom House.

1507. Commissioners of Customs to Lords of the Treasury. As to the ship Fountain (*see No. 1498*), she is stopped by a warrant from the Admiralty of 15th December, and her master has sworn that he knows nothing of the intended settlement at Tobago. Captain Poyntz has also written a paper saying that he has received a grant of 120,000 acres of land in Tobago from the Duke of Courland, that the King raised no objection to his making a settlement, and that he was therefore embarking for the Island. But what papers were addressed by Poyntz and what the King's decision was we know not, so can give no opinion on the matter. *Signed*, Ch. Cheyne, W. Butler, And. Newport, G. Downing. 3½ pp. *Endorsed*. [Col. Papers, Vol. LIII., No. 7.]

Jan. 16.
New Hampshire.

1508. Governor Cranfield to Lords of Trade and Plantations. Since my last I have, by the advice of the Council, called an Assembly, which met on the 14th instant, the Council being of opinion that they had had time enough to see the errors and omissions of the last Assembly. But, far from answering these expectations, they have refused to vote any money for the support of the Government, without giving any reason, or to agree to any laws but what were repugnant to the laws of England. I therefore dissolved them without the passing of one Bill. Nor was

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it reasonable to expect that they would agree to any, being under guardianship of Moody, the minister, and Waldern (whose son was Speaker to both Assemblies), and all declared enemies to Church and State. The place of meeting was remote from their habitations, they all went to advise with them, and then absolutely refused to pass the enclosed and other good Bills. My experience in this small Government plainly discovers no obedience, nor can good be expected upon the regulation of Massachusetts if the Assembly and other men in public trust consist of Congregated Church members, the ministers giving it as doctrine that the oaths of allegiance and supremacy are unlawful in themselves, and disapproved by ministers and elders of the Church. In my opinion it will be absolutely necessary to admit no person into any place of trust but such as take the sacrament, and are conformable to the rites of the Church of England, for others will be so influenced by their ministers as to obstruct the good settlement of the place. As I wrote to you before, I utterly despair of any duty and obedience to the King till their colleges be suppressed and their ministers silenced, for they are enemies not only of the King, but of Christ himself. Of the 4,000 inhabitants of this Colony not above 300 are christened, because their parents are not members of the Congregated Church. I have for sixteen months been persuading the ministers to admit all to sacrament and baptism that were not vicious in their lives, but could not prevail with them. I have, therefore, by the Council's advice, made the enclosed Order. Notwithstanding that they were left in entire possession of their churches, and only required to administer both sacraments according to the liturgy of the Church of England to such as desired them, yet they refuse to do it, and not only understand the liberty of conscience granted in the King's Commission to exempt them from giving the sacrament according to these rites, but make all the inhabitants contribute to their maintenance, while refusing to give them the sacrament or christen their children. If it be not absolutely enjoined here and in the other Colonies that the sacrament is to be administered, there will be perpetual dissensions and a decay of the Christian religion.

Mr. Weare, one of the former Assembly, left privately for England, having first collected money to carry on his own and his party's concerns against Mr. Mason. I do not wonder that they employ him, for he is not only a violent man against Mr. Mason's interest, but one of many that were privy to Gove's treason, but were too powerful for me to cope with here unless I had had strength to countenance my proceedings. I think that the enclosed affidavits will sufficiently prove Mr. Weare's knowledge of the conspiracy. There are several other affidavits to make out that Moody, Captain Vaughan, and Martyn were in Gove's design, but, as none but Weare were going to England, I thought it useless to trouble you with them. The matter sworn against them is this, that two days before he broke out in arms Gove had been with them, and communicated his design of taking the Government out

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of my hands and killing myself, Mr. Mason and his two sons, Captain Barefoot, Mr. Chamberlain, and all the other rogues (as he termed them) that were of the Church of England. He had, he said, assurance from all the towns that there were but sixteen or seventeen men that would not stand by him, and that they would not meddle on any side; whereupon Gove said that they rejoiced at the good news like men risen from the dead. If Gove be examined upon this, and his consultation with Weare, he will confirm these words used at Dover. After this, Captain Vaughan took him home to his house, where he lodged the night before the rising. For this reason, and for openly making reflections on the King and Council for bringing the *quo warranto* against the Bostoners as a measure undeservedly severe, I dismissed him the Council.

When this Government was in the hands of Colonel Waldern, Mr. Weare was recommended by him to supply any vacancy in the Council, he being a violent and zealous man of their party. He was therefore selected as fittest to carry to you some plausible complaints about the prosecution of Mr. Mason's title. Whatever he may pretend, the enclosed papers will show Mr. Mason's patience and forbearance before he brought a suit against any of them, and the cautiousness of the Court's proceedings. It was twelve months before any suit was commenced, and after judgment obtained (as appears by enclosed declaration), finding that no appeal was made, Mr. Mason gave them their choice of a hearing before the King and your Lordships, or a new trial in the Courts at Westminster. They declined, and by the advice of Moody and the faction in Boston (who have got possession of a good part of the province), have taken other measures than directed by the King's Commission. The enclosed papers, I doubt not, will satisfy you that no more exception can be taken against the judicial proceedings in Mr. Mason's case than against his title. I have received the King's letter to pardon the rebels that were respite, and have accordingly pardoned all but young Gove and one of Wadleigh's sons, who have carried themselves very indecently. But, indeed, so has the whole province, showing it by their choice of the same Assembly and their pursuit of the old methods. I keep these two in prison to terrify the rest, for I find clemency abused by this disingenuous people. This is a good opportunity to send ministers for the four towns, with an order that the inhabitants shall pay them what they paid to their other ministers, who have left their benefices because they will not give baptism and the sacrament according to the rites of the English Church. And for their encouragement some spiritual promotion may be kept *in commendam*, that after two or three years they may be relieved. *Signed*, Edw. Cranfield. 3½ pp. *Endorsed*. Recd. May 13. Read 11 June '84. [Col. Entry Bk., Vol. LXVII., pp. 102-107, and Col. Papers, Vol. LIII., No. 8.] *Annexed*,

1508. i. Order of the Governor and Council. Empowering the Court to fix the sum and security of appellants in case of appeals. *Signed*, Rich. Chamberlain. *Dated* 5th December 1683. ½ p. *Endorsed*. Recd. 13 May '84.

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1508. ii. Declaration of Robert Mason for new trial of his cause with inhabitants of New Hampshire at Westminster Hall. *Dated 5th December 1683.* Orders of the Court and of the Governor thereupon. *Dated 6th December 1683.* 1 p. *Endorsed.* Recd. May 13. Presented 10 June '84.
1508. iii. Order of the Governor in Council. For the admission of all persons, not vicious or scandalous, to the sacrament and to baptism of their children. *Dated 10th December 1683.* *Endorsed.* Recd. 26 Mar. '84. Read 11 June '84. 1 p.
1508. iv. Duplicate of foregoing. Undated and unendorsed.
1508. v. Proclamation for calling an Assembly. *Dated 24th December 1683.* *Endorsed* as No. ii. 1 p.
1508. vi. Deposition of Robert Elliott, to the effect that Gove informed Nathaniel Weare of his intended rebellion. Sworn before Richard Chamberlain, 19th January 1683/4. *Scrap.* *Endorsed.* Recd. 13 May 1684.
1508. vii. Deposition of Joseph Rayn to same effect. Sworn as foregoing. Same date and endorsement.
1508. viii. Deposition of Robert Mason to same effect. Sworn as the foregoing. Same date and endorsement.
1508. ix. Deposition of Nathaniel Fryer to same effect. Same date and endorsement.
1508. x. Certificate of Richard Chamberlain, that in the several trials of Richard Waldern and others with Robert Mason for title of lands, every one of the defendants excepted against the whole jury in order that there should be no trial, though the said jury was impartially chosen. Not one of the defendants offered any evidence or showed any title. *Dated 19th January 1684.* *Scrap.* Same endorsement.
1508. xi. Declaration of the Governor, in consequence of the complaint of Robert Mason that few people had come to take their titles from him, that unless they come to an agreement with him within a month their refusal will be reported to the King, in order that Mason may be discharged of all obligations. *Dated 19th February 1682.* Certified by Richard Chamberlain. $\frac{1}{2}$ p. *Endorsed.* Recd. May 13 '84. Presented 10 June '84.
1508. xii. A Bill for raising revenue for fortifications and expenses of government. *Evidently that which the Assembly rejected.* Subscribed, Passed the Council. Signed, R. Chamberlain, $1\frac{1}{2}$ pp. *Endorsed* as the preceding. [Col. Papers, Vol. LIII., Nos. 8 i.-xii.]

Jan. 19. 1509. A Relation of the capture of Providence by the Spaniards. On Saturday, 19th January, about 3 o'clock, Juan de Lareo with two hundred and fifty Spaniards came down the harbour and landed at Captain Clarke's, half a mile to east of Charlestown. Captain Clarke being out of doors near the waterside, some men

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in ambush shot him through the thigh and cut his arms with a cutlass, and then they marched away with all haste to the town, firing into some houses as they went. Meantime the Spaniards boarded a pink in the harbour, and hearing the sound of their shot and seeing the flash I ordered a great gun at my door to be fired, to give the alarm. But before it could be loaded the Spaniards were firing into the house, and I slipped out of the back door into the garden. A volley whistled past my head and we fled to the woods behind the town, where several women and some men (but only one of them armed) were already come. Not knowing what had happened, we waited till evening, when going towards the town we learned that the Spaniards were gone, and gradually assembled twenty men armed and unarmed, who told us that some of them had ambuscaded the Spaniards, killed one, and wounded more. I kept watch that night with all the people, and next day we brought in the people from the woods, but the town was miserably plundered. Some of the Spaniards' prisoners, who escaped, told us that they had a commission from the Governor of Havana, and that it was a return for Vera Cruz, adding that I had granted commissions of that kind. But a letter of mine to one of the prisoners captured by the Spaniards was shown to them, which forbade all English to join in an attack which I had heard was designed on St. Augustine, and proved my innocence. *Signed*, R. Lilburne. *Copy*. 3 pp. *Endorsed*. Recd. 21 May '84. [Col. Papers, Vol. LIII., No. 9.]

[Jan. 22.] **1510.** Petition of Robert Forth, foreman, and seven others of the jury at the coroner's inquest held on the body of Edward Flood, to Sir Thomas Lynch. Complaining of irregularity in the choice of the jury, of the browbeating of witnesses by Captain Musgrave, of the withholding of all but garbled depositions from them, and of the refusal to let them examine witnesses. 1 p. *Endorsed*, with the names of the jurors. Recd. from Sir Tho. Lynch. 22 Jan. 1683/4. [Col. Papers, Vol. LIII., No. 10.]

[Jan. 22.] **1511.** The Council of Barbados to Lords of Trade and Plantations. Transmitting quarterly return of proceeding of Council and of imports. *Signed*, Jno. Witham, Fran. Bond, Richard Howell, Edwyn Stede, Tim. Thornhill, Tho. Walrond. 1 p. *Endorsed*. Recd. 15 May 1684. *Much damaged, one signature undecipherable*. [Col. Papers, Vol. LIII., No. 11, and Col. Entry Bk., Vol. VII., p. 242.]

[Jan. 22.] **1512.** Journal of Lords of Trade and Plantations. Draft of an Act concerning negroes to be imported into Jamaica, prepared by the Royal African Company, was presented. Agreed that the time during which the planter is to prove himself possessed of his negroes be limited to three months. Ordered that copy of the draft be sent to the Agents of Jamaica, with notice that if they do not approve thereof so as to recommend it to the Assembly of Jamaica, the King will enforce Order in Council of 12th November

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1680, repeal the Act lately made in Jamaica, and discharge the Company of its obligations.

Order in Council concerning the appeal of George Walton read. Agreed to recommend that the appeal be dismissed.

Sir Richard Dutton attended. Agreed to recommend, on his suggestion, that Sir John Witham have the first place in the Council of Barbados. The question whether the *Custos Rotulorum* shall be appointed by the Governor or whether the place be filled by the first Councillor, to be left to His Majesty's determination.

Memorandum of accounts signed, and despatches sent and received. [Col. Entry Bks., Vol. CVII., pp. 256-261, and (Barbados only) Vol. VII., p. 245.]

Jan. 22. **Council Chamber.** **1513.** Report of Lords of Trade and Plantations to the King. On the appeal of George Walton and Walter Barefoot (see No. 1221), we recommend that the appeal be dismissed, and the judgment given in New England confirmed, the appellants having failed to appear before us. [Col. Entry Bk., Vol. LXVII., p. 99.]

Jan. 22. **1514.** Form of a warrant to be prepared for Sir John Hoskins, Baronet, granting him certain uninhabited islands in the Atlantic, called Trinidad, Ascension, di Martin Vaz, and others. 2 pp. Draft. Endorsed. [Col. Papers, Vol. LIII., No. 12.]

Jan. 22. **1515.** Notes for the foregoing warrant. A few lines. Endorsed. Recd. 22 Jan. 1684. [Col. Papers, Vol. LIII., No. 13.]

Jan. 22. **1516.** Another draft of the warrant. $\frac{3}{4}$ p. Endorsed as the foregoing. [Col. Papers, Vol. LIII., No. 14.]

Jan. 22. **1517.** Minutes of Council of Barbados. Order for payment of rebate of duty on sixty-six pipes of Madeira to Major Jehu Johnson.

Jan. 23. On petition of Francis Chamberlain, gunner at Hole Fort, ordered that he be paid the year's salary due to him. The case of Robert Stepney, committed on the complaint of Mons. de Saint Laurens for attacking a French sloop at sea, considered. Ordered that he be liberated on entering into recognisances, himself in 500*l.*, and two sureties in 250*l.* each. Adjourned to 20th February. [Col. Entry Bk., Vol. XI., pp. 507-509.]

Jan. 23. **1518.** Order of the King in Council. That no appeals to the Board from the Plantations be admitted for the future until security be given by the appellants to prosecute their appeals effectually and accept the King's award. Signed, Phi. Lloyd. 1 p. Endorsed. [Col. Papers, Vol. LIII., No. 15, and Col. Entry Bk., Vol. XCVII., p. 101.]

Jan. 23. **1519.** William Blathwayt to Sir John Hoskins. Asking for a draft of a patent for the grant of Ascension and other Islands. Draft. Endorsed. [Col. Papers, Vol. LIII., No. 16.]

Jan. 26. **1520.** Address of the Deputy Governor, Council, and Representatives of St. Christophers to the King. We beg you to accept a late

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but hearty tender of our duty from us. who "casting a speculative optic on the black and hellish designs of that vast number of bloody miscreants and king-killing men against your sacred person," pray ever for your safety. With the widow, we cast in our loyal mite, casting our lives and fortunes at your feet, &c. *Signed,* Thomas Hill.

Assembly.

Abraham Payn.	Zachary Rice.
Samuel Crosse.	Nicholas Taylor.
Richard Godwin.	William Woddrop.
Richard Gay.	Samuel Okes.
Veare Atkinson.	Charles Everard.
Richard Phillips.	Henry Willett.

Council.

John Pogson.	John Estridge.
Charles Mathew.	Roger Erlington.
William Willett.	Joseph Crisp.
John Vickers.	James Phipps.
J. Rodeney.	Ralph Willett.

1 p. *Endorsed.* Recd. May 7, '84. [Col. Papers, Vol. LIII., No. 17, and Col. Entry Bk., Vol. XLVII., pp. 136, 137.]

[Jan. 26.] **1521.** Petition of Mounteney Bunckley to the King. Praying for the estate of the late Governor Bunckley of Antigua in that Island, to which he is entitled as next-of-kin, but which has been taken by a niece of the late Governor and made over to another party. *The Attorney General's opinion in the case, dated 26th January, appears on the following page.* [Col. Entry Bk., Vol. XCIX., p. 289.]

Jan. 29. **1522.** Commission from Sir William Stapleton to Bartholomew Nevis. Sharpe to take and apprehend savage Indians and pirates. *Copy. Endorsed.* Recd. from Jamaica 16 May '84 [Col. Papers, Vol. LIII., No. 18.]

Jan. 29. **1523.** Sir William Stapleton to Captain Freeman. I have seen Nevis. your letter to Charles Mathews, "wherein I find your intolerable abuses in taxing me with lies and injustice. Were I near you I would dash your teeth and your words down your throat, but forbear at so great a distance, else I do not question to have those there that will correct your insolence and ingratitude. Your caballing to draw articles with others I mind not; do your worst; you and they will be the first that will repent their actings against me, for I never yet gave any just cause of complaint to any. I now defy you or any of the cabal you keep to make anything of injustice or force, or your pretended act to be of my making." *Extract, copied.* [Col. Papers, Vol. LIII., No. 19.]

Feb. 1. **1524.** Account of goods captured from pirates from 23rd October Jamaica. 1683 to 1st February 1684. Total net value, 1,197l. 11s. 1d.

1684.

Certified by R. Wilson. 2 $\frac{1}{4}$ pp. Endorsed. [Col. Papers, Vol. LIII., No. 15.]

[Feb. 1.] 1525. Duplicate of foregoing. [Col. Papers, Vol. LIII., No. 16.]

Feb. 1. 1526. The Council of St. Christophers to Lords of Trade and Plantations. Little has occurred since our last of 12th July 1680, saving our lamentable and miserable condition owing to hurricanes, which have almost destroyed the whole Island, and discouraged both planter and trader. Now these times of calamity are past, and glorious fair weather has succeeded, so that the Island seems in a fair way of improvement. We inform you of this, though we would not trouble you with our adversity. We understand that Sir William Stapleton is soliciting to be relieved of this government. We humbly beseech you to give no encouragement to his application, unless it be only for a short time, to kiss the King's hand or settle his domestic affairs and return again. For after long experience of his courage, conduct, and justice, we think the King's interest and our own much better secured against any hostile attempts of our potent neighbours the French, who would gladly find these Islands under the government of a General devoid of Sir William Stapleton's martial and soldier-like spirit, and might seize the occasion to deprive the King of his sovereignty over them. And this branch of our letter we beg you to look upon as our petition, but if it come too late we beg that his successor may be an experienced soldier, and, if possible, reside in this Island, and his deputy also. For it is too well known and fresh in our memory that the King lost his interest here to the French in the war of 1666 for want of a soldier to command us, which at present we enjoy in Colonel Thomas Hill, our Deputy Governor, who was formerly Brigadier in the Duke of York's troop of Horse-guards. We must also represent to you the daily annoyance which we receive from the Island of St. Thomas and the insolence of the Governor, Adolphus Esmitt. For the King of Denmark, contrary to the law of nations, admits all manner of pirates to harbour and commerce there, and is himself no better than a partaker in their robberies. We beg that measures may be taken to suppress both him and them, or the Western trade will be greatly prejudiced. We beg you to give your thanks to His Majesty (1) for remembering us in the Treaty of Breda and restoring to us the possessions lost by our predecessors; (2) for his Royal gift from the Exchequer and his free and bountiful donation for erecting fortifications, which has been applied by Sir William Stapleton to that object; (3) for the maintenance of two companies of foot, which we beg may be continued here, supplied with recruits and duly paid as other of the standing forces, the want whereof is the chief complaint of officers and men; (4) for the promise of three hundred malefactors, which we have long since hoped to receive, regarding them as a considerable addition to our strength, which we beg you to expedite. And since the four-and-a-half per cent. duty on our exports is farmed out

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to Colonel John Strode for a very invaluable sum, which farm terminates next Christmas, we beg you to intercede with the King to bestow this revenue on the Island for the support of the Government for a time, until our fortunes are recruited and the Island able to maintain the charge itself, which at present it cannot do. At least, we beg that when the farm expires it may be granted to us at the same rate that it would be allowed to other persons; and we therefore beg you not to allow this Island to be farmed with the other islands, which prevents us from ascertaining the true value of the duty. We are in general want of arms and ammunition, especially gunpowder for the artillery and the foot companies, which in our poverty we cannot supply without great oppression. Lastly, we have appointed Captain Christopher Jeaffreson to be our solicitor in England, a man of approved worth and integrity, with a considerable interest in the island, and we beg you to accept him in that capacity. We request that the Governor and Deputy Governor may be exempted from signing such letters as this in future, as neither of them are acquainted with their contents. *Signed*, John Estridge, Roger Elrington, J. Rodeney, Ja. Phipps, Char. Mathew, Jno. Vickers, Jos. Crisp, Jno. Pogson, Ralph Willett, Wm. Willett. *2½ closely written pages.* *Endorsed.* Read May 7, '84. [Col. Papers, Vol. LIII., No. 22, and Col. Entry Bk., Vol. XLVII., pp. 143-150.]

Feb. 2.

1527. Sir William Stapleton to the Proprietors of Tortola. I have received the duplicate of yours on behalf of Mynheer Huntoms (?), demanding a commission left in my hands for Tortola and the restitution of the Island. You have received my answer before now. Do not take it amiss if I do not comply. I dare not without my master's orders. As to the Dutch commission, I may have it among my papers, but it was taken when the Island was, and it shall be restored when I receive my master's order. I should gladly oblige you in anything else, but in this you must excuse me. Read the Treaty of Breda, which informs you how such places should be delivered. *Signed*, Wm. Stapleton. *Holograph.* 1 p. *Endorsed.* *Addressed*, These for Mynheer John Dunker, formerly Governor of Curassol. [Col. Papers, Vol. LIII., No. 23.]

Feb. 4.

1528. The King to Sir William Stapleton. Ordering him to do justice to Mounteney Bunckley, and restore to him the property to which he is entitled, cancelling any Letters Patent that he may have issued disposing otherwise of the property. (See ante, No. 1520). [Col. Entry Bk., Vol. XCIX., pp. 290, 291.]

Feb. 4.
St. Jago de la
Vega.

1529. Orders from Sir Thomas Lynch to Captain Matthew Tennant, H.M.S. Ruby. To deliver 2,000 doubloons belonging to the Assiento, which he had received from one St. Jago de Castillo, forthwith to Captain Hender Molesworth. 1 p. *Endorsed.* Recd. 16 May 1684. [Col. Papers, Vol. LIII., No. 24.]

Feb. 6.
Whitehall.

1530. Order of the King in Council. Referring the business of the ship Fountain to Lords of Trade and Plantations, and ordering

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Captain John Poyntz to forbear his intended voyage to Tobago until the matter have been further examined. *Signed*, John Nicholas. $\frac{1}{2}$ p. [Col. Papers, Vol. LIII., No. 25.]

Feb. 11.

1531. Minutes of Council of Jamaica. The Governor announced that he had received a petition from the justices and others of Port Royal complaining that they had been traduced as disloyal by an address to the King. The address was read and was voted by the Council to be scandalous and seditious, and factiously and clandestinely promoted. Petition from Lieutenant Snagg, pleading that Captain Archbold had misrepresented him, Archbold himself being the aggressor. Captain Archbold was called in and rebuked by the Governor, and, after using many violent and unbecoming expressions, was told that he would be tried by the field-officers of the Island. [Col. Entry Bk., Vol. XXXVI., pp. 34-36.]

Feb. 12.

1532. Journal of Lords of Trade and Plantations. {On the application of Mr. Penn's agent for a day to be fixed for hearing of a difference between Mr. Penn and Lord Baltimore touching a certain tract of land, it was agreed, in view of a letter from Lord Baltimore, to put off the business till April, unless his Agent be ready to bring the matter forward earlier. Mr. Penn's letter of 14th August 1683 was received this day.

Captain Poyntz and several others interested in the settlement of Tobago attended. They were ordered to deliver a full state of their title to the Committee, who will refer it to the Attorney-General. Meanwhile, agreed to report that the captain of the ship Fountain be permitted to proceed on his voyage to Barbados, on finding security to carry no passengers to Tobago, and that Sir Richard Dutton be instructed to discourage the settlement of a plantation in that Island.

Memorandum of documents received, including the Acts of Jamaica and Barbados passed in 1683. [Col. Entry Bk., Vol. CVII., pp. 273-279.]

Feb. 12.
Council
Chamber.

1533. Report of Lords of Trade and Plantations to the King. We have examined Captain Poyntz and the master of the ship Fountain, and though we cannot approve of the proceedings of Poyntz and his company, yet they have engaged themselves to go no further therein till we have had time to examine the state of their case and their pretensions. The master of the Fountain asserts that great damage may arise to his ship from continuance of her arrest, and offers to give bond to carry no passengers to Tobago, on which condition we recommend that the ship be allowed to proceed to Barbados. *Draft, with corrections.* [Col. Papers, Vol. LIII., No. 26.]

[Feb. 12.]

1534. Memorandum.—That the Duke of York desires a day to be appointed for hearing the dispute between Lord Baltimore and William Penn respecting land demised by the Duke to Penn. $\frac{1}{2}$ p. *Endorsed.* Recd. 12 Feb. 1684. The business put off till

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February, when my Lord Baltimore will be here. [Col. Papers, Vol. LIII., No. 27.]

Feb. 13.
Nevis.

1535. Sir William Stapleton to Lords of Trade and Plantations. I understand that there is a clamour against me, both concerning my writ of division between Captains William Freeman and John Bramley in Montserrat and as to the Acts of Appraisements here and in St. Christophers. There is little or no truth in the first. I hold a power of attorney to act in this matter for Freeman, and I had no object but the peace and interest of the parties. Freeman had sixteen months to reject the partition if he disliked it, of which four are not yet expired. As to the appraisements of lands, there has been no complaint till now during the thirteen years of my government. All planters would be glad were there no such Acts, but for the encouragement of trade the Council, Assembly, and myself passed this Act for the satisfaction of debts. All these clamours are occasioned by some little factors, who send little homie to their employers, but convert it into cargoes here by forestalling the market with their employers' goods. They sell at cent. per cent., and sometimes at ducent per cent., besides the extortion for forbearance, which I hope will be prevented in future by the Act just passed. Pray send for Colonel Bayer, Colonel John Netheway, Colonel Thomas, and Captain Jeaffreson. They or any other planters will tell you that I always stood by the merchants; and though I have been solicited and petitioned to stop the courts of judicature after two hurricanes and a drought, I have never done so, as I can prove. Two merchants have always been joined with two planters in all commissions of appraisement. I must trouble you with a new deposition about the Governor of St. Thomas. Never was the like impudence on the earth as of him and his wife. She gives out that she is the relict of an English baron. Pray obtain me an order for the remaining 750*l.* due for the forts. My repeated importunity about the soldiers' arrears and my own I hope you will excuse; the wants of the men are great and the circumstances extraordinary. The Council and Assembly of St. Christophers beg me to ask you to admit Captain Christopher Jeaffreson as their agent. He is a very worthy man. Pray allow Captain Bramley and myself to put in answers to Freeman's petition, and read Bramley's petition that comes by this ship. Signed, Wm. Stapleton. *Holograph. Endorsed.* Recd. 25 April '84. Read 27th May. Two closely written pages, the style so involved as to be hardly intelligible. [Col. Papers, Vol. LIII., No. 28, and Col. Entry Bk., Vol. XLVII., pp. 127-130.] Annexed,

1535. i. Deposition of Edward Carty. Nine months ago I was at St. Thomas with Captain George Bond, captain of the Fortune's Adventure, to whom I belonged. Bond was fitting out his ship for piracy, and Governor Esmitt was assisting him, spars, sails, and provisions being supplied from the Castle. On return from the voyage with a Dutch prize Bond stopped at the east end of St. Thomas and sent the Governor word that he was come. The

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Governor came up in a sloop, offered the pirates his sloop and storehouse for the captured goods, and sent them a protection under his hand. After the goods had been landed Bond showed me sixty pieces of eight, saying that he had it from Governor Esmit to buy them a boat to carry them off. Sworn before Joseph Martyn, 28th January 168 $\frac{3}{4}$. 1 p. *Endorsed.* Recd. 25 April 1684. Nevis. [Col. Papers, Vol. LIII., No. 28 I.]

Feb. 13. 1536. The Deputy Governor of St. Christophers to Lords of St. Christophers. Trade and Plantations. I send the transactions of the Council and Assembly and the returns of imports and shipping. On my arrival I found the inhabitants had "engaged themselves to an extraordinary task" in the erection of a fort. Though there are some hands always at work on it, it goes on very slowly, and it will be long before it is completed. I found it altogether destitute of powder and fire-arms, in want of flags, and all the guns dismounted. I have mounted the guns, but the people are too poor to furnish ammunition and finish the work. I have written for twenty barrels of powder on my own account; and must point out to you how great is our want of the three hundred malefactors promised to us. The French are twice as numerous as we are on this island, their soldiers are paid every month ninepence *per diem* upon the drum-head, which causes great dissatisfaction among our own men, who are much in arrears. You will receive an address to the King on his happy deliverance from the late conspiracy (*see No. 1520*). A person concerned therein, by name John Holloway, left this island some time since for St. Eustatius. I sent some gentlemen of the Council after him, who had the good fortune to apprehend him. He was sent home by the Governor-in-Chief ten days ago. *Signed, Tho. Hill. Holograph.* 1 $\frac{1}{2}$ pp. *Endorsed.* Recd. April 7, '84. [Col. Papers, Vol. LIII., No. 29, and Col. Entry Bk., Vol. XLVII., pp. 134-136.]

Feb. 14. 1537. Abstract of a letter from Colonel Thomas Hill, Deputy Governor of St. Christophers. Pray remind my lords of the nest of thieves that resorts to St. Thomas. We dare not send a sloop to leeward for a loading of timber for fear of losing sloop, men, and goods, nor do the people dare go so much as turtling. If this be suffered the western trade will be ruined. I sent seven men by the Governor's order to St. Thomas to demand a sloop and cargo. Our man-of-war being there brought back two of the men; the other five were captured by the pirates and have not been heard of since.

Abstract of a letter from Major Crisp, 12th February 168 $\frac{3}{4}$. These western seas are of late exceedingly filled with pirates. If their growth be not stopped, commerce will be ruined, and without commerce these parts cannot long subsist. 1 p. *Endorsed.* Recd. May 7, '84. [Col. Papers, Vol. LIII., No. 30.]

Feb. 14. 1538. Journal of Assembly of Nevis. The Acts of the Island to be sent home, and an address to the King. Signed by the members

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of Council and Assembly. [Col. Papers, Vol. LII., No. 4, and Col. Entry Bk., Vol. XLVIII., p. 433.]

Feb. 14.
Nevis.

1539. The Council of Nevis to Lords of Trade and Plantations. We beg you to excuse us for not writing every three months, for often six months passes without occurrence worthy your knowledge. But we learn that our Governor, Sir William Stapleton, has asked for leave to return to Europe, whose loyalty, courage, fidelity, and military prudence have kept us happy and flourishing, and rendered us formidable to our potent French neighbours. These qualifications are necessary for a Governor of these Islands, since the least disgust at home renders them little better than garrisons. We beg, therefore, that the King will continue Sir W. Stapleton's Commission, and put a stop to his leave to return home. Or if this may not be, we beg that a Governor of courage and experience may be appointed, and not one whose name has been brought here by report, Sir John Knight, jun., of Bristol, a person who, having been a trader here, is well known to us, and on whose appointment we cannot but be doubtful of the King's interest and our own in time of war, owing to his want of experience, and in time of peace owing to his interest in trade. *Signed*, Walter Symonds, Ja. Walker, Hen. Carpenter, Phillip Lee, Wm. Burt, Jos. Jory, Ja. Russell, Daniell Lanham, Charles Pym. 1 p. *Endorsed*. Read May 7, '84. [Col. Papers, Vol. LIII., No. 31, and Col. Entry Bk., Vol. XLVII., pp. 150-152.]

Feb. 14.
New
Providence.

1540. Governor Lilburne to Sir Thomas Lynch. This is to acquaint you with the surprise of this town by the Spaniards. The people were frightened out of their beds, and few saved anything; while they were so much dispersed that it was long before any could meet together for resistance. I enclose copy of a relation which I have sent to a friend (see No. 1509). I am sending to Havana to demand our prisoners. Certainly these things will soon cause our mastiffs in the Indies to be let loose upon them, especially if they proceed (as they vapour) to Carolina. There are five or six hundred men here who would be glad of the opportunity. *Signed*, R. Lilburne. *Holograph*. 1 p. *Endorsed*. Recd. from Jamaica, 21 May '84. [Col. Papers, Vol. LIII., No. 32.]

Feb. 14.
Plymouth.

1541. Edward Randolph to Sir Leoline Jenkins. I arrived at Boston on the 26th October, late at night, and found their General Court broken up that afternoon. Their Agents, who started a fortnight and arrived four days before me, had warned them that a *quo warranto* was brought against their charter, and that they might daily expect me. Next morning I delivered the King's declaration, with a copy of the *quo warranto*. The General Gourt was again summoned on the 7th November. Mr. Dudley, one of the late Agents, the Governor, and most of the magistrates, nine of the Deputies, and as many of the ministers were for an entire submission to the proposals in the declaration. But Danforth, with Richards, the other Agent, having made a strong party in the

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House of Deputies, would not assent, but trifled away the time, and after above five weeks they adjourned to the 4th instant. I hear they have drawn up a letter to gain more time, hoping that troubles may break out in England, and all further prosecution be dropped. They have empowered an attorney to appear for them, and are raising money, giving out that it is to pay existing debts, but the people, being dissatisfied at the General Courts' refusal of the King's declaration, are resolved to take the benefit of it, and pay no more rates until, by the vacating of the Charter, they are brought immediately under the King's laws and government. I sailed from Boston the 14th December, hoping to be in time to get Mr. Attorney to get judgment entered against the Charter, but we had a very dangerous passage, and the ship was reduced to a mere wreck by constant storms. All my goods and necessaries are lost or damaged, and I am much indisposed in body. I defer further news till I see you. *Holograph. Signed. 1 p. Endorsed. [Col. Papers, Vol. LIII., No. 33.]*

Feb. 14. **1542.** Lords Proprietors of Carolina to [Governor of Albemarle County, Carolina]. Mr. Timothy Biggs is lately arrived in England, complaining of injuries for which he can obtain no redress, the men whom you have appointed to try his case being, as he alleges, the very persons who did him injury in the late disorders. Our blank deputations were given you on purpose that you might appoint suitable and impartial persons, and our instructions were for the selection of three discreet men who had taken no part in the irregularities, who with the Governor should form a court for the trial of all actions relating thereto. Biggs, however, informs us that the persons appointed were great actors in the disorders against the King's interest, to which we cannot reply, not knowing who those persons were. We therefore require you to send us their names without delay, and if any were concerned in the disorders to put them out and put in others better suited. And you will send home depositions, that we may the better be able to answer the clamours of Mr. Biggs. You will also choose four discreet men who had no part in the late troubles to be justices of the county court of Albemarle, and a fifth for sheriff, and hold courts as directed in our Constitutions, which we think a better way than that first ordered. For it is not convenient that the Governor should be interested in the immediate trial of causes, but that he should be at liberty to receive complaints against the justices, if such be preferred. You will execute this order at once and send us the names of the persons chosen. We also desire the name of the receiver appointed by Mr. Archdall, and an account of the rents which he has collected. Mr. Woodrow complains that you will not permit him to enjoy the perquisites of his office, but take them for yourself. This must not be. Junior officers must enjoy their perquisites, and the Governors must be no further concerned than to see that they do their duty. We desire your answer to this. Colonel Ludwell, of Virginia, has complained that a plantation in Carolina belonging to him in right of his

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wife is detained from him, on pretence that it is escheated. You will report to us on this, sending full particulars and copies of records. We have considered what you wrote of Lord Culpeper's claiming quits-rent in Albemarle county. We are sure that he had no orders from hence, so you will uphold our rights by all legal means. You will adhere strictly to our rules for granting land, for we will not permit deviation from them.

Memorandum.—That blank deputations from four of the proprietors, dated 3rd June 1684, were sent with this letter. [Col. Entry Bk., Vol. XXII., pp. 26, 27.]

Feb. 15. **1543.** Minutes of Council and Assembly of Antigua. The Governor and Council proposed to the Assembly (1) to send a letter to the Lords of Trade on behalf of the Island; (2) to ask therein for a Governor of courage and conduct if Sir William Stapleton go to England; (3) to ask them to represent to the King the mischief done by the Governor of St. Thomas. The Assembly concurred. Copy of the letter (*see next abstract*). [Col. Papers, Vol. XLIX., No. 81.]

Feb. 16. **1544.** The Council of Antigua to Lords of Trade and Plantations. We have forwarded our laws through the Governor, and hope that they may be confirmed. If our present Governor-in-Chief should leave us or be called to some other employment, we beg that his successor may be an experienced soldier, of courage and conduct, for on such a person the safety of these Islands depends in time of war, having frontiers to the French, Spaniards, Danes, and Dutch. *Signed*, Fran. Carlile, Nich. Raynsford, Jno. Vernon, Ed. Powell, Row. William, Paul Lee, Wm. Barnes. 2 pp. *Endorsed*. Recd. 13 June 1684. [Col. Papers, Vol. LIII., No. 34, and Col. Entry Bk., Vol. XLVII., pp. 152–154.]

Feb. 16. **1545.** Memorial of the Dutch Ambassador to the King, for Westminster. the restitution of Tortola. *French*. 1½ pp. *Copy*. (*See post*, No. .) [Col. Papers, Vol. LIII., No. 35.]

Feb. 18. **1546.** The Deputy Governor and Council of Montserrat to Lords Montserrat. of Trade and Plantations. We beg excuse for not writing every three months; in twelve months nothing may occur worth your notice. *Request that Sir William Stapleton may remain Governor, or a suitable successor appointed, in the same words as the letter from Nevis.* (*See No. 1538.*) The Governor of St. Thomas has been a protector to runaway debtors, servants, and negroes, and to pirates, which is a great prejudice to us. We thank the King for the money for the fortifications, and would beg a further supply, either from the four-and-a-half per cent. duty or elsewhere. *Signed*, Ric. Stapleton, John Devereux, Nich. Mead, Jno. Bramley, Tho. Nugent, John Symer. 1½ pp. *Endorsed*. Recd. 4 June 1684. [Col. Papers, Vol. LIII., No. 36, and Col. Entry Bk., Vol. XLVII., pp. 154–157.]

Feb. 19. **1547.** The Earl of Sunderland to the Danish Envoy. I have received your letter intimating that the King of Denmark has

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ordered the arrest of the Governor of St. Thomas. I am to inform you that the King has delayed his despatch of his orders until you have communicated them to the King of Denmark and received his answer. [Col. Entry Bk., Vol. XLVII., p. 116.]

Feb. 20. **1548.** The Clerk of the General Assembly of Nevis to Lords of Trade and Plantations. Forwarding proceedings of the General Assembly. [Col. Papers, Vol. LII., No. 4, and Col. Entry Bk., Vol. XLVIII., p. 35.]

Feb. 20. **1549.** Minutes of Council of Barbados. Order for 660*l.* to be paid to divers persons on account of the fortifications. Richard Howell granted leave of absence to go to England. Adjourned to 18th March. [Col. Entry Bk., Vol. XI., pp. 510, 511, and pp. 515, 516.]

Feb. 20. **1550.** The King to Sir Richard Dutton. Authorising the reprieve of James Baxter, under sentence of death. [Col. Entry Bk., Vol. XCIX., p. 250.]

Feb. 20. **1551.** Sir William Stapleton to William Blathwayt. Transmitting Henry Tucker's account of the capture of New Providence. [Col. Entry Bk., Vol. XCVII., pp. 108-109.]

Feb. 21. **1552.** Minutes of Council of Virginia. The Governor's Commission was read, and his Excellency took the oaths in the presence of the Council, who likewise took the oaths as Councillors. Ordered, that a proclamation be issued for continuing all officers in their offices, and that writs be issued for calling an Assembly. [Col. Entry Bk., Vol. LXXXIV., p. 186.]

[Feb. 25.] **1553.** A list of the fittest men in Jamaica to be Councillors.

1. Samuel Bernard, Speaker and Chief Justice, a merchant skilled in the law, and of great wealth.
2. Major Peter Beckford, Sir Thomas Lynch's nephew, bred a seaman, now a merchant. Captain of the forts; singularly fit, having some knowledge of gunnery, and being very active, honest, and sober. A member of Assembly.
3. Lieutenant-Colonel Whitgift Aylmer; descendant of two bishops. "One of the conquerors." Competent, of fair estate, and a member of Assembly.
4. Lieutenant-Colonel Edward Stanton, came to the Island as a boy, an understanding man of fair estate, and a member of Assembly.
5. Lieutenant-Colonel William Parker. An honest public-spirited man, of good parts and reasonable estate.
6. Dr. Fulke Rose, a surgeon bred, and a very discreet and virtuous man. His plantations render him over 4,000*l.* per annum, and his practice about 600*l.* A member of Assembly.

1 p. Endorsed. [Col. Papers, Vol. LIII., No. 37, and Col. Entry Bk., Vol. XXX., pp. 256, 257.]

Feb. 26. **1554.** Order of Sir Thomas Lynch to the Provost Marshal of St. Jago de la Vega. To secure St. Jago de Castillo (*see ante* No. 1529) and bring him before the Governor, he having, according to Captain

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Tennant, kept back 470*l.* of the money taken by him for himself.
Copy. $\frac{1}{2}$ *p.* *Endorsed.* Recd. 15 May 1684. [Col. *Papers*, Vol. *LIII.*, No. 38.]

Feb. 27. 1555. The King to Joseph Dudley and William Stoughton. Ordering H.M.S. Rose, Captain William Phipps, to be seized if it appear that Phipps or his seamen have a design to defraud the King of the ship, with the plate and bullion thereon. This order to be kept secret. *Countersigned*, Sunderland. [Col. *Entry Bk.*, Vol. *XCIII.*, pp. 172, 173.]

Feb. 27. 1556. Order of the King in Council. Referring the petition of Proprietors of the Narragansett country to Lords of Trade and Plantations for report. *Signed*, John Nicholas. *Annexed*,

1556. I. The petition referred to. Your Majesty has always granted us possession of the Narragansett country by your charter to Connecticut, and by your letters to the various Colonies. But your orders have been rendered ineffectual, your subjects' rights invaded, and their estates ruined by indirect actions and administrations. We beg your confirmation of our just property, and your establishment of the country under the Government of Connecticut or otherwise. *Signed*, John Winthrop, Waite Winthrop, Richard Smith, Rd. Wharton, Simon Lynd, John Saffin. *Copy.* 1 *p.* *Endorsed.* Recd. 5 Dec. '84. [Col. *Papers*, Vol. *LIII.* Nos. 39, 39 *I.*, and Col. *Entry Bk.*, Vol. *LXI.*, p. 222.]

Feb. 27. 1557. Minutes of Council and Assembly of Antigua. The Council desired the Assembly's concurrence in sending home the Acts for alienation of lands, and confirmation of marriages and of aliens' lands, in making an address of congratulation to the King, and in choosing an agent to represent the Island in England. The Assembly appointed two members to draw an address with two of the Council, and recommended William Barnes as Agent; but concurred in sending two Acts home only, lest private Acts should impede the confirmation of more important Acts. The Council rejoined to show the advantage of their proposal, and the Assembly yielded. Two members of Council appointed to draw an address, and William Barnes approved as Agent. [Col. *Papers*, Vol. *XLIX.*, No. 81.]

Feb. 27. 1558. Governor and Council of Antigua to Sir William Stapleton. We have received the Acts for alienation of lands, for confirmation of marriages, and for confirming aliens in their lands. We beg to offer them again to you, and to ask that they may be sent home for confirmation with the other Acts. Those for alienation of lands are but four or five, and their preambles contain reasons which, when backed by an agent at home, would dispose of any objections against them. We press this on behalf of the purchasers, who have disbursed great sums on the settle-

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ments on the faith of these Acts. We have appointed Major William Barnes to be our Agent in England, and we beg your approval of our choice. He will sail speedily for home. *Signed*, Ed. Powell, Row. Williams, Fran. Carlile, Nich. Raynsford, Wil. Barnes, J. Parry, Tho. Duncombe, Speaker, Samuel Long. 1 p. *Endorsed*. Recd. 4 June 1684. [Col. Papers, Vol. LIII., No. 40, and Col. Entry Bk., Vol. XLVII., p. 142.]

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1559. Minutes of Council and Assembly of St. Christophers. Proposed by the Governor and Council to the Assembly, that one out of every thirty able negroes be employed on the fortifications; refused by the Assembly, unless executions of proceedings at law be suspended while they are so employed. Proposed also by the Assembly that the work be overseen by a member of the Council, a member of the Assembly, an officer and five more white men. Refused by the Governor and Council, and proposed that the Assembly take it in turns to supervise the work. Governor, Council, and Assembly agreed to present an address to Sir William Stapleton asking him to beg the ratification of the Treaty of Neutrality. [Col. Papers, Vol. LV., No. 48.]

Feb. 27.

1560. Memorandum of Lords of Trade and Plantations. Proposing that in view of Sir Thomas Lynch's reports on the damage done by pirates, a draft of the law in force in Jamaica against pirates be sent to all the other plantations in America to be passed there, and the Governors instructed to enforce it strictly. [Col. Entry Bk., Vol. XCVII., p. 102.]

Feb. 27.

1561. Order of the King in Council. For the execution of the recommendations in the memorandum preceding. *Signed*, John Nicholas. [Col. Entry Bk., Vol. XCVII., p. 103.]

Feb. 28.

1562. Journal of Lords of Trade and Plantations. Sir Thomas Lynch's letter of 22nd November read, together with the Minutes of Council concerning Sir Henry Morgan. Agreed to report that Sir T. Lynch's proceedings therein be approved; also that the French ambassador be asked how far the seizure of several English vessels by ships bearing French commissions is sanctioned by the King of France.

Memorandum of documents despatched and received. [Col. Entry Bk., Vol. CVII., pp. 278-281.]

Feb. 28.
Jamaica.

1563. Sir Thomas Lynch to Lords of Trade and Plantations. Sir Francis Watson sailed on the 12th ultimo with duplicates. The small-pox has raged at Port Royal like the plague, but is now ceased. So also are our quarrels, Charles Morgan being gone, though he did his utmost to ruin his drinking friends and raise a riot at the point, for on the night of his departure he and his friends violated the guards and traduced the officers. He, Sir Henry, and their party, a day or two before the Falcon sailed, secretly signed an attestation for Mr. Longworth, the parson of Port Royal, an ill man, who has drunk with them, to the scandal of his functions

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and the offence of his parish. We have discovered also that the day before Charles Morgan sailed he exposed a malicious and factious address to be signed in Port Royal. Sir Henry has offered to swear that no one signed it, but we suspect that Charles Morgan and Sir Francis Watson were to sign it for the rest. I think that, after the loyal addresses of the Council and Assembly, the King and your Lordships will pay little attention to their secret and factious addresses. I do not doubt that in such cases as this you will distinguish between the loyal and disloyal. If by this address or otherwise Morgan's party charge the Government with encouraging dissenters, it is a most false and malicious accusation, for the dissenters enjoy no more grace and toleration than is granted them by the King on their good behaviour. There is not a dissenter in any civil employment nor in the Assembly, except two, who have taken the oaths of allegiance and supremacy. There are also three or four of them officers in the militia, who would gladly be excused the trouble and expense. They have never diserved the King nor opposed the Government before I came nor since, and not one of them has ever spoken or written to me about their religion, nor prayed my favour, nor thanked me. They have left themselves entirely to the King's grace and the Government's justice, and the Council and I have thought ourselves obliged to do them right. The abuse and persecution of them has only arisen since Charles Morgan was dismissed from his post of Aid-Major. I am not afraid that six or eight malcontents will be able to fix this accusation on me, for I know that I have done my duty and that you will support me. On the 15th ultimo the Assembly met, and is prorogued to the 20th May. I acquainted them that you had suppressed the Act about negroes, and obliged the Royal African Company to supply five thousand negroes this year and three thousand in succeeding years, with which they seemed satisfied, and desired to thank your Lordships. I must thank you sincerely for Colonel Hender Molesworth's commission, for it is certain that Sir Henry Morgan's hope of governing as first Councillor has buoyed up his little senseless party, and occasioned its insolence and our late troubles. This you have now obviated, and I am most exceedingly obliged to you for accepting my recommendation.

I have heard nothing of late from Petit Guavos, but we conclude that about the beginning of this month Grammont went in Vanhorn's ship to leeward, with six more, to join Laurens on the coast of the Main. For he, Yankey, and Mitchell went (as I told Mr. Blathwayt) to Cartagena, where the Governor sent out two great ships, the Lapaz and the St. Francisco, and a sloop to chase them away. All three of these ships, however, were taken by the pirates. The Lapaz fought and lost eighty men, and the St. Francisco ran ashore; they are now both privateers of sixty and fifty-six guns, and are gone together to the Bay of Honduras. They talk of taking the two great ships that are there, and then of going on to attack the Flota and Vera Cruz again; for as yet only the Admiral and Vice-Admiral are gone home, both of whom

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deserve to be made grandees for allowing these pirates to escape when they had them in a net. Others tell me that the pirates talk of a design against Segovia, an inland town, but it is impossible to judge of their intentions, which are governed by necessity and the caprice of the men. The Ruby met some of them off Cartagena, and I was pleased to hear that the Spaniards noticed how respectful they were. Captain Tennant says that Yankey showed him a commission from the Governor of Petit Guavos, who, I suppose, has had orders from Martinique to issue commissions.

On the 3rd instant the Ruby returned from Cartagena convoying the Spanish ship St. Thomas with three hundred negroes. The city was in great confusion over the loss of the two ships, and the Governor was embroiled with Don Nicolas Porcio, the Assiento's Agent General. The disorder was increased by Captain Tennant's misconduct; however, they paid the money which the ship and negroes were hypothecated for, 2,800 pieces of eight, and they are now returned hither to buy more negroes. They have brought but 2,800 pieces of eight for the purpose, either because they could not get the money, or more probably with the intention of borrowing again, so as to compel me to send convoy to protect them, and bring back the merchants' money. Unfortunately we have no negroes nor hope of negroes this long time. There were two miserable ships of the African Company with two-thirds both of blacks and Christians dead; and about ten days since agent Peirson arrived in an interloper of forty guns. He landed two or three hundred negroes at Barbados, of which I am told that the Spaniards bought a hundred and fifty. I shall order the ship to be seized, and shall do my best always, but I know of no expedient but that which I proposed to Sir Benjamin Bathurst for clearing the coast of Africa and America. Being unwilling to offend the Company I told the Spaniards that I must not buy of interlopers, and Colonel Molesworth threatened to seize them; but the negroes were landed out of port and will pass to the Spaniards by second hands. Besides, having given them liberty I cannot retrench it, and were they kept here four or five months and not suffered to buy what they may, this trade would be ended before it is well begun, whereas it is my wish to continue it, at any rate until I receive your orders. It seems to me probable that if we were supplied with negroes, much of this trade would come to this Island, to the advantage alike of the King, the Company, and the nation.

They tell me there is at Rotterdam, Cadiz, and Seville the house of the Quayman, Brothers, which, with their Company, are the greatest traders in Europe. Last February they contracted with the King of Spain to import eighteen thousand negroes in seven years, but, being strangers, the Assiento was made in the name of Don Juan Barrera del Rozo, an old man of Cadiz; and it was agreed that his son-in-law, Don Nicolas Porcio, a Venetian, should come into the Indies as Apoderado General. Neither of these two last are concerned except in name, for the Dutch are obliged for the King's dues, that is, for 1,125,000 pieces of eight in seven years.

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The negroes are to be imported in licensed Spanish ships that equal ten thousand tons, which, taxed at twelve pieces of eight per ton, gives the sum named. The Quaymans have agreed with the West India Company of Holland at 107 pieces of eight per head ready money, and 120 credit. At the same time when this contract was concluded there was in Spain one Abraham Gill, a mongrel Dutch or Englishman, as agent or servant to Mr. John Bawden. This Gill and one Don Diego Magette, a Dutchman, contracted with Porcio for eighteen hundred negroes, twelve hundred of them at Barbados, and the rest here or in any other Colony. These negroes are to be delivered at sixty pieces of eight when received and fifty-eight when delivered; the buyers running the risk of the fifty-eight, the sellers of the sixty. This seemed to Bawden so bad a contract that he has renounced Gill and revoked the credit that he gave him at Barbados. However, they have come here, without money or credit, and, as I have already reported, have been trusted by our merchants. They have punctually repaid the advances, and are now come back, but with so many broils that it is difficult to adjust them. But Magette is now going to England and thence to Rotterdam to procure convoy from the States, and thence to Spain to solicit the establishing of the Assiento in some other name than Porcio's. Gill talks of going to Barbados. I promised to try to get what money the Spaniards owe him, for I conclude that he cannot fulfil his contract.

But I must return from this sub-contract to the Grand Assiento. In order to carry it on Porcio sailed on the 9th August from Cadiz with three ships of the Assiento's, the new Governor of Carthagena, Don Juan Pando, being in one. When they arrived off Curaçoa there boarded them Dr. Baltazar Van Becke and Mynheer Van Bell, factors for the Assiento. They offered Porcio a thousand negroes, but while they were disputing about the terms a gust of wind forced the ship to leeward, and so the factors were carried to Carthagena. Then Porcio fell sick and "deliriated," and when recovered was fantastical, and irresolute and impracticable, which provoked the Governor, a prompt and choleric Biscayer, and gave the Dutch factors opportunity to gain him wholly to themselves. Just as they were on the point of breaking, most fatally the privateers arrived on the coast. The Governor took the Lapaz and St. Francisco, two great ships intended to fetch negroes, and sent them out, where they were lost. This made Porcio rave indeed, because the great stress of the Assiento's business depended on these ships. To pacify the factors the Governor promised 25,000 pieces of eight out of the King's dues; and judging Porcio incapable of acting (as possibly he is) put in Don Gaspar Perez, Porcio's servant, and Francisco de Torregruetto in his place, taking from Porcio all the papers, moneys, &c., belonging to the Assiento, and allowing him six thousand pieces of eight *per annum* on condition that he gave these men power to act in his name, pending arrival of orders from Spain. And these men have written to me to favour the captain and the despatch of the ship St. Thomas, asking the liberty

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to buy negroes that I had promised to Porcio, and promising to comply and correspond faithfully.

All this was transacted in Cartagena, while the Ruby rode outside. Porcio contrived to send a servant, St. Jago de Castillo, on board the frigate, with a present to Captain Tennant. Tennant received him, and also a present of two thousand pistoles from him and from Don Juan Coleman, an Irish priest; but without counting the money put it into his closet and sent an armed boat on shore from the frigate to fetch Porcio himself. The factors, however, informed the Governor, who put Porcio into irons, and by torturing some of his servants discovered the pistoles, and wrote me the letter enclosed to Mr. Blathwayt, on which I desire your instructions. About the 3rd instant the frigate and the St. Thomas arrived here. The two Dutch factors asked leave to careen their sloop and hire another to take them to Curaçoa. I readily granted it and treated them civilly; and they seemed wonderfully obliged and talked of buying plantations, negroes, and what not; but I doubt this was only *egrotat demon*, for they are of a country where nothing binds but interest. At parting they gave me the Governor's letter that charges St. Jago de Castillo for running away, and Porcio for giving him two thousand pistoles of the Assiento's money. On this I gave an order to Captain Tennant to deliver the money to Colonel Molesworth and Captain Penhallow (*see ante*, No. 1529).

I have been cruelly enraged with Captain Tennant for his behaviour in sending for Porcio, breaking orders, dishonouring and embroiling myself, and not delivering the money. First, he pretended that the sum was somewhat short of 1,600 doubloons, then he would not deliver it without St. Jago's order, then he restored but 1,239 pistoles, pretending that St. Jago had given him 360 for his passage, but at last, after twenty or thirty days' hesitation, he delivered the rest that he says he has received. I subsequently ordered the arrest of Castillo (*see ante*, No. 1554), to discover what had become of certain other money, but on the day that Captain Tennant paid the 1,239 pistoles he vanished, some say to Porto Bello, some say to Spain. I am extremely puzzled what to do, for we think Porcio inclined to us, and judge that this servant fled to save himself and serve his master. However, to keep the Governor of Cartagena in good humour, I wrote to him that if the Dutch factors would prosecute him criminally I would appoint judges, and that they should have justice; but they asked only that the money shall be secured, which it shall be until the Governor, the factors, or Porcio make it clear whose money it is. I should be glad of your directions in such cases, for I am no lawyer, though I am sufficient to be aware that I ought to have made an example of Captain Tennant. But I would not, for he promises amendment, and I was unwilling to ruin a young man who is sailor enough. Moreover, I was loth to embroil myself further till I had received your instructions; and, besides, I could not send him home prisoner, for no merchant ship would take

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charge of him, and if one did, what security is there for its expenses? If you and the Admiralty will not judge such a case remitted by affidavits, I beg you to consider how competent a court-martial of captains would be.

As to the negotiation, all I can say is that neither Dutch nor Spaniards come here out of kindness to us, but only from necessity and the convenience of our ports, or from the abundance of our negroes. I do not think it possible to keep any contract with the Spaniards, for their ill conduct will ruin any that trust them. Particular Spaniards may be in their senses, but the Government is out of it; and it is possible these Quaymans may find it so. They are said to have advanced five or six hundred thousand pieces of eight, at various ports in the Main, which is to be returned in galleons that are not yet arrived from Spain. Since Spain and France have broken, the trade of the Indies and the navigation to Curaçoa must be very hazardous, and if Holland takes part in the war I think the French should attack Curaçoa again, otherwise it will have little communication with the great trading ports. Altogether, if we can get negroes it is very likely that, let who will have the Assiento, they will come to us for negroes, but they will not come nor find the least credit unless they have convoys, a matter which I beg you to lay before the King. And pray inform His Majesty that, from the hour the frigates are withdrawn, we are ruined. The Trompeuse shows what a pirate can do. The privateers are civil to the traders only for fear of the men-of-war, and, if the men-of-war were taken away, they would enter every port and harbour, carry away our men, and intercept the very boats that carry goods about. So that in two years we should be all negroes, the increase of whom and lessening of the whites gives me great apprehensions. Judge Pemberton's proceedings have discouraged all from sending servants. All servants that can, run away and turn pirates encouraged by the late successes, and some die. I sent our galley to leeward after these rogues, and, if I could, should keep a vessel at Point Negril, for only yesterday I was told that there were thirty or forty fugitives and rogues waiting to seize some sloop. The captains of the men-of-war formerly had orders to take King's subjects out of foreign and wrecked vessels, but now the Admiralty orders none such to be victualled, so it is not to be done. I am sorry that the King's necessities should require this order, for it will lose him many subjects. Captain Tennant brought one from Cartagena, and Stanley fifteen from Curaçoa. I shall give no order contradictory to it, though I always understood that the Duke was Lord High Admiral here, and that my Commission as Admiral empowered me to do so. I beg you to procure me an order to command from the Admiralty and directions to call courts-martial as formerly, also that the Lords of the Admiralty will send their commands to me, who will issue them to the captains and see them executed. Want of this proceeding intimates those who should command, and renders presumptuous those who should obey.

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On the 17th the Bonito came from Curaçoa. That Governor delivered Augustin Alvarez's boat and two Spaniards. I sent the copy of his commission, which seems fair enough; but, having taken our sloop and formerly a New England ketch in the high seas, he was condemned of piracy. I have reprieved him, to see if his security in Havana will pay damages, and withal I am not willing to be over-hasty, lest these rogues should take revenge on our honest traders. But I could almost have hanged the Captain of the Bonito for bringing him down contrary to my orders; but not one of them, out of port, minds my instructions any more than they would a chapter in the Alcoran. I have formerly advised you that our laws against privateers neither discourage nor lessen them while they have such retreats as Carolina, New England, and other Colonies. They have permitted Jacob Hall (of the only English ship that was at Vera Cruz) to come to Carolina, where he is free, as all such are; and therefore they call it Puerto Franco. The colonists are now full of pirates' money, and from Boston I hear that the privateers have brought in 80,000*l.* So I would beg you to consider whether all the Colonies should not be under the same law, or we should not have power to dispense with it. At Porto Bello they are in great distress for negroes, because of their fortifications; and of late they have found abundance of gold in the mountains of the Darien, and could get much more had they more negroes. I am told that there is now such numbers of people and plenty of gold that those who have the licence to sell wine can afford to pay the President of Panama 80,000 pieces of eight for it; and this is reckoned one of the small perquisites of that Government. It is reported that Juan Corso attacked a Frenchman with three periagos and was killed, but that the French were taken and all killed, to the number of a hundred. The Spaniards are said to have lost as many. This is reported to have taken place off Havana, Corso having come from New Providence, which he had destroyed. *Signed.* Thomas Lynch. 9½ pp., closely written. *Inscribed,* Recd. 13 May 1684. *Endorsed with long précis.* [Col. Papers, Vol. LIII., No. 41, and Col. Entry Bk., Vol. XXX., pp. 236–255.]

[Feb. 28.] **1564.** Petition of S. Lyttelton, John Bathurst, Ransford Waterhouse, William Beeston, and Thomas Goddard, on behalf of the planters and merchants of Jamaica, to Lords of Trade and Plantations. We have repeatedly complained of the neglect of the Royal African Company to supply us with negroes, to remedy which Your Lordships laid before us an Act which we judged would not pass the Assembly. We beg you to consider the ill consequences that have come from the small supply of negroes to Jamaica in past years, and the delay that must take place while your proposed Act is sent to Jamaica and debated; during all of which time the Company will send us few negroes. *Signed by the five men named above.* 1 p. *Endorsed.* Recd. 28 Feb. 1683/4. Read at the Committee March 4, 1683/4. [Col. Papers, Vol. LIII., No. 42.]

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Whitehall.

1565. Order of the King in Council. Report of Lords of Trade and Plantations. We have received a letter from Sir Thomas Lynch, dated 2nd November (*ante*, No. 1348), reporting the suspension of Sir Henry Morgan and Colonel Byndloss from the Council, and the dismissal of Colonel Charles Morgan. We recommend that Sir Thomas Lynch's action be approved. *Signed*, Clifford, Arlington, Bath, Radnor, Halifax, Beaufort, Bridgewater, Sunderland, Clarendon, Ailesbury, Rochester, H. London, L. Jenkins, S. Godolphin. Ordered accordingly. [Col. Entry Bk., Vol. XXX., pp. 193, 194.]

Feb. 29.
Whitehall.

1566. Order of the King in Council. Referring the report of Edward Randolph touching the delivery of the writ of *quo warranto* at Boston, to Lords of Trade and Plantations for their advice thereon. *Signed*, John Nicholas. $\frac{1}{2} p.$ *Annexed*,

1566. i. The report referred to. I landed at Boston on 26th October last. The General Court had been sitting for three weeks, but learning from the Agents that I was coming the Assembly was dissolved three or four days before I landed. I delivered your Majesty's declaration and copy of the *quo warranto* next day, and notice was given for the General Court to meet on the 7th November. They met accordingly, and spent the next day in private fasting. Next day I delivered the declaration and other documents in open court, and informed them that I had bespoken my return passage in a small pink then bound for England, in order to report that I had delivered the documents, and how they had been received. After some debate the Governor and eight of the magistrates, a majority of those present and men of the best estates, were for an entire submission. But the Deputies, instead of returning an answer, trifled away nine days in drawing up an address to your Majesty asking for longer time to consider their reply. They took no notice of the vote sent them by the Governor and magistrates, looking upon it with reflections, as tending to alteration of the Government and so as against their oath of fidelity to their country, and said that they would rather have the matter settled by law than wrong their consciences by parting with the privileges granted them by charter. To encourage them in their resistance a letter, purporting to come from London, was handed about the House, describing the miserable condition of the town of Norwich since the surrender of its charter, as if it was thereby defrauded of all its privileges, and encouraging the people to stand out, and promising that if occasion required they should be furnished with three or four thousand pounds to defend their case against your Majesty. Five weeks and more were consumed by the Deputies, consisting now of forty-eight persons, mostly an inferior sort of planters, and nothing was done towards a reply to your declaration. At last the Governor and magistrates, seeing that they

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could not prevail, having but nine deputies and as many preachers on their side, ordered their vote to be drawn up and sent it to Secretary Jenkins. But Mr. Danforth and Mr. Richards, with five other magistrates of inconsiderable fortunes but factious spirits, joined with the Deputies and passed a vote for an attorney to appear for them, and have accordingly empowered Mr. Robert Humphreys of the Inner Temple either to defend their charter or gain a confirmation thereof, and procure your Majesty's pardon for past offences; and, that money might not be wanting, they directed the Treasurer to make them a credit of 3,000*l.* in England. About a week before the General Assembly broke up, a libellous paper was dispersed in Boston, reflecting on the proceedings taken against the Colony as contrary to your Majesty's former letters, and adding that the declaration referred only to the late horrid conspiracy, &c., that the Governor, magistrates, and ministers were grievous backsliders and betrayers of the liberty of their country, &c. The author was believed to be a young hot-headed minister named Cheefers, not without the privacy of some of the Deputies, so great endeavours were made to get the matter smothered. When I left the Colony after seven weeks stay, the people were much discontented, refusing to pay the rates levied by the last General Court. The Treasurer also employed the rate-collectors to sue for all arrears of customs and imposts, which are ordered to be paid till the 10th June and no longer. These imposts are laid on imports, for which, having no authority, they have before now been accused. They pretend by this limitation to remove all matter of complaint, and give out that the money last raised was to pay the public debt. But the majority of the inhabitants resolve to take advantage of your Majesty's late prohibition, and decline to submit to the impost if your offers are refused. But to avoid further delay or evasion I have brought with me two good witnesses to prove the most material charges of mismanagement of the charter; and I beg that I may be supplied with money to pay their expenses, and the cost of prosecuting the *quo warranto*, against which the factious spirits have given their attorney large power and a full purse. *Copy.* 4 pp. *The whole endorsed.* Reed. and read 11 March '84. [Col. Papers, Vol. LIII., Nos. 43, 43 1., and (Order only) Col. Entry Bk., Vol. LXI., p. 200.]

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Whitehall.

1567. Order of the King in Council. Referring the petition of Edward Randolph to Lords of Trade and Plantations for report. *Signed,* John Nicholas. $\frac{1}{2}$ p. *Annexed,*

1567. i. The petition referred to. I have been employed in your Majesty's service in New England for eight years, with many hazards and dangers by sea and land. In 1679 I

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sustained losses to the amount of 200*l.*, while on a mission to carry four commissions to the Colonies and to establish the Government of New Hampshire. And now in my last voyage to deliver the writ of *quo warrantum* at Boston, I have lost all my baggage in a storm, to the value of 60*l.* I beg that the 260*l.* may be refunded to me. *Copy.* 1 *p.* *The whole endorsed.* Recd. and read 11 March '84. [Col. Papers, Vol. LIII., Nos. 44, 44 1., and Col. Entry Bk., Vol. LXI., p. 200.]

Feb. 29.
Whitehall. 1568. Order of the King in Council. That Sir Robert Sawyer, the Attorney General, do defend George Hannay, Provost Marshal of Barbados, from the unjust and vexatious suits brought against him by Richard Pain and Samuel Hanson for false imprisonment. *Signed,* John Nicholas. [Col. Entry Bk., Vol. VII., p. 233.]

[Feb. 29.] 1569. Copy of the deed by which Rhode Island was purchased by Mr. Coddington and his friends from the Sachems, Connonicus and Miantunnomu, 24th March 1637. 1 *p.* *Endorsed.* Recd. 29 Feb. 1684. [Col. Papers, Vol LIII., No. 45.]

March 4. 1570. Journal of Lords of Trade and Plantations. The Acts of Jamaica passed on 5th September 1683 read (*see No. 1239*). Agreed to report that the Act for repeal of certain laws be disapproved by the King, as several other Acts are enacted in their stead, including one for the better ordering of slaves, which contains a bad clause as to wanton killing of negroes; that the Acts revived by this disapproval be repealed by order of the King, and that the Acts amended in accordance with the directions of the Committee be confirmed for twenty-one years. The Acts for shipping, and for ascertaining salt to certain parishes, read and confirmed. Several members of the Royal African Company, and the agents and other gentlemen of Jamaica, were called in. The petition of the inhabitants of Jamaica (*see No. 1564*) and the draft Act for the encouragement of the Company were read. Agreed to recommend the Act to the Governor, to be passed by the Assembly, and to instruct him to discourage interlopers. The parties were then informed of the Committee's decision; the Company being required to take speedy care for the supply of the Island with five thousand negroes, and the Agents being required to use their influence with the Assembly for the passing of the Bill. Agreed also to recommend the repeal of the Act for regulating the price of negroes.

The representation of Edward Randolph as to New England to be referred to the Attorney General, who will report as to the progress of the *quo warrantum* and the expenses necessary for carrying on the same.

Memorandum of documents despatched. [Col. Entry Bk., Vol. CVII., pp. 262-266.]

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1571. Lords of Trade and Plantations to the King. Having duly considered the proposals of the merchants and planters of Jamaica as to the Royal African Company and the Company's reply thereto, we have received a draft Act from each of the parties, which we propose shall be sent to Sir Thomas Lynch for enactment by the Assembly. We recommend further that you signify your intention to uphold the Company's rights, that you direct the Company to take care to provide the Island with five thousand negroes within a year, and in succeeding years with such numbers as are specified in the Act, that you give the Assembly to understand that you expect their compliance, and that the former Act for regulating negroes together with Order in Council of 12th November 1680 be cancelled. [Col. Entry Bk., Vol. I., pp. 107-108.]

March 4.
Whitehall.

1572. Lords Proprietors of Carolina to Governor Sir Richard Kyrle. Several Scots are leaving Glasgow for Carolina. You will permit them to settle at Port Royal if they wish, and direct their lands to be run out to them according to the agreement with Sir John Cockran and Sir George Campbell. If they desire to settle among the English, you will set out their lands for them and pass the grants in the usual way. *Signed,* Craven, Bath (for Lord Carteret), P. Colleton. [Col. Entry Bk., Vol. XXI., p. 129.]

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1573. Sir Thomas Lynch to Secretary Sir Leoline Jenkins. On the 19th ultimo the Assembly adjourned to the 15th January, having amended all the laws formerly sent home according to the directions of their Lordships, and made some few new ones that, I doubt not, will readily be confirmed. The revenue is now for twenty-one years. One of the arguments that I used to induce them to this was, that their Lordships had promised that these and the laws already passed should be confirmed for so long a time. I earnestly beg that this may be done, for the new laws do not touch the Royal prerogative. I am the more concerned that they should past since that drunken silly little party of Sir Henry Morgan's opposed it. They would have made a broil about raising pieces-of-eight, about the Act suppressing the Act concerning the laws of England, and at last about the Negro Act, whispering that I was bribed and partial to the Royal African Company. These things and the riots at the Point have given me more trouble than I have ever had in my life. The Council and Assembly have prefaced their laws with a loyal address to the King. Among the laws is one that repeals the Patents about harbours, mines, &c., doing that which the Lords desired shonld be done by writ of *scire facias*. I forward also the Journals of Council and Assembly, but for your convenience I shall give you the reasons which prompted me to remove Sir Henry Morgan, Colonel Byndloss, and Charles Morgan from the Council. I well remember that the Lords ordered Sir Henry Morgan to be put out of the Council, but that I begged that he might be put in, that we might all unite in voting the revenue to the King. So far

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from doing so he was uncivil to me, and mightily elated at the prospect of governing in case of my death. His principal creatures are one Cradock, Elyson [Elletson], and others, disturbers of the peace, whom he has always attempted to countenance in the Council and out of it. All the riots at the Point were the work of Charles Morgan, but Sir Henry Morgan has always protected him without respect to law, truth, or justice. He and Charles Morgan set up a club, frequented by only five or six more, wherein, especially when they were drunk, they cursed and damned the dissenters, and irritated the whole Island by assuming the name of the Loyal Club. People began to think that it looked as if he designed to be head of the Tories, and that therefore I must be head of the Whigs. But the behaviour of the club was such that it was resented in the Island, and began to die, when there came the unlucky incident of the Captain of the Falcon, which gave Churchill occasion to rave again. Churchill told me when I was sick that Penhallow and other good men had a design to murder him on the day of the rejoicing for the King's deliverance, that he was prepared for it, and therefore retired on board ship. This he said publicly before several witnesses, adding that they would murder him because his name was Churchill, and the Churchills depended on the Duke of York. He added that the Point was worse than Algiers, and that Sir Henry Morgan had told him so. Sir Henry also took me aside at this time and told me there was a design to murder Charles Morgan, for fear I should make him Major when Bach went off. Sir Francis Watson owned in Council that he said it to him, but Sir Henry afterwards seemed to deny it. Charles Morgan's accomplices having almost murdered Penhallow, who had tried to keep the peace, Sir Henry in a rage bound him over to next sessions. In his drink he abuses the Government, swears, damns, and curses most extravagantly, and if you knew all of his excesses and incapacity you would rather wonder why he ever was in employment than why he is turned out. The people were furious at being called Duke-killers by him.

The Council minutes will show you why Byndloss was suspended. He is one of the worst men I know. If you approve of my suspension of these men, pray send me orders to that purpose that there may be no trouble in case of my death. For many reasons I would have been kind to Charles Morgan, but his drunkenness and passion are unbearable. There are a number of accusations against him. I have before declared to you the necessity for taking all prospects of the Government from Sir Henry Morgan's sight; I have now made Colonel Molesworth Colonel of the Point, Bach Lieutenant-Colonel, Peter Beckford Major. I see the difference already. We have had bad weather and much sickness, especially small-pox, but more ships than ever. Among them is one large ship from Cadiz, all Spaniards aboard her but one Gill. He is trying to buy negroes here and may get three or four hundred. I beg your orders as to the encouragement of this trade. I must send the Ruby to the Main, where Coxon is in rebellion again. The Guernsey is gone to Petit Guavos to demand

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vessels that were taken from us. I do not know how to treat these holders of French commissions. The periagos and barques sent out against traders are frank pirates. The Spaniards treat me quite with another air now. 6 pp. Undated. Endorsed. Rec. April 10, '84. [Col. Papers, Vol. LIII., No. 46.]

- [March 4.] **1574.** Edward Randolph to Lords of Trade and Plantations. By Order in Council of 13th June 1683 (see No. 1124), I am directed to attend the Attorney General for the prosecution of the *quo warranto* against the Massachusetts, and have to-day submitted to him several articles to prepare an information for next term. I must beg for a supply of money to pay the daily charges and the expenses of my witnesses. *Signed*, Ed. Randolph. *Holograph*. 1 p. Endorsed. Read at the Committee, 4 March, '84. [Col. Papers, Vol. LIII., No. 47.]

- March 4. **1575.** William Blathwayt to the Attorney General. My Lords Whitehall. wish to hear from you what further steps are to be taken towards the issue of the *quo warranto* and what money is necessary for carrying it on. Mr. Randolph's report is enclosed (see preceding abstract.) *Copy*. Endorsed. $\frac{1}{2}$ p. [Col. Papers, Vol. LIII., No. 48, and Col. Entry Bk., Vol. LXI., p. 199.]

- March 4. **1576.** William Blathwayt to Henry Guy. My Lords desire the opinion of the Commissioners of Customs on the enclosed Act of Jamaica for encouraging shipping and ascertaining tonnage. [Col. Entry Bk., Vol. XXX., p. 204.]

- March 4. **1577.** William Blathwayt to the Attorney-General. Asking his opinion whether a law passed by a Colony, but afterwards repealed, be restored to validity by the King's disallowance of the repeal. [Col. Entry Bk., Vol. XCVII., p. 106.]

- March 4. **1578.** Report of the King's Counsel and Advocate General to the Lords of Trade and Plantations. On the questions submitted to us our opinion is:—(1.) That the Vice-Admiral's power extends only to lesser offences, not capital, committed within their several districts and not to offences committed on the high sea, out of their districts. That if a Court of Admiralty be erected at Jamaica and the other Plantations, such Court can proceed according to the maritime law, as was practised in the Admiralty here before the statute of 28 Henry VIII. for trial of the offences therein specified; but that law doth not extend to the Plantations, and so no Commission can be granted thither upon that law. But pirates and other offenders upon the high seas are to be proceeded against according to the maritime law in such manner as they were before the statute of 28 Henry VIII. (2.) We conceive that the Governors and Vice-Admirals in the Plantations have sufficient power to fit out ships for apprehending of pirates. *Signed*, R. Sawyer, H. Finch, Tho. Exton, Rich. Lloyd. 1 p. [Col. Papers, Vol. LIII., No. 49, and Col. Entry Bk., Vol. XXX., pp. 234, 235.]

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- March 6. **1579.** Minutes of Council and Assembly of Antigua. Address to the King voted. [Col. Papers, Vol. XLIX., No. 81.]
- March 7. **1580.** The Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of proceedings of Council and of imports. *Signed*, Jno. Witham, Fran. Bond, Robert Davers, Richard Howell, Sam. Newton, Edwyn Stede, Tho. Walrond. 1 p. *Endorsed*. Recd. 16 June 1684. [Col. Papers, Vol. LIII., No. 50, and Col. Entry Bk., Vol. VII., p. 244.]
- March 7. **1581.** William Blathwayt to Henry Guy. Forwarding a proposal respecting passes, for report of the Commissioners of Customs. [Col. Entry Bk., Vol. XCVII., p. 102.]
- March 8. **1582.** Circular. The King to the Governors of all the Colonies. Ordering an Act against privateers, to be modelled on the Jamaica Act, to be passed in all the Colonies. [Col. Entry Bks., Vol. XCVII., p. 104, and Vol. XCIX., pp. 295, 296. Copy of the Act, pp. 303-305. French translation of the same, pp. 307-312.]
- March 10. **1583.** Sir John Werden to Governor Dongan. As to your motion about Rhode Island the Commissioners know not whether any *quo warranto* be brought against them or not. They desire to know what ground there is for such a process and what advantage will accrue to the Duke if he obtain a patent for the Island. The Commissioners recommend the following amendments in the Act of Revenue:—1. Goods paying duty by estimate of their prime cost should be rated according to their value in New York, or false invoices will be employed to escape the duty. The entry of the goods may be made according to invoice, but the rate of their value must be fixed by the customs-officer. 2. Goods landed ought to pay full duties, though goods unlanded may go free to another port. 3. One witness should be sufficient evidence of fraud against the customs. You will further Sir E. Andros's claim for money lent by him to the inhabitants of New York and Long Island. As to immigration of French from Canada to New York, you will have reason to encourage it, but beware of embroiling yourself with the French Governor. No land beyond the bounds of East and West Jersey should be separated from your Government on any account, and you will be careful to hinder Mr. Penn and the people of both Jerseys from obstructing the peltry trade of New York To this end you should prevent all you can the uniting of either Jersey with Mr. Penn, who is very intent on his own interest in those parts. Printed in New York Documents, Vol. III., pp. 340, 341. [Col. Entry Bk., Vol. LXX., p. 47.]
- March 11. **1584.** Journal of Lords of Trade and Plantations. Report as to Jamaica and the Royal African Company approved. The Acts of Jamaica considered. Acts concerning surveyors, and paths and watering-places approved. Act against engrossing and forestalling referred to Commissioners of Customs. Acts for appropriating

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lands at Port Royal, for punishing idle persons, for vacating certain irregular grants, and for raising a public revenue read and approved.

Mr. Randolph's narrative of his proceedings read (*see No. 1566 I.*)

The order of the Deputy Governor and Council of Barbados of 2nd October last for erecting a Court of Exchequer and Pleas of the Crown referred to the Attorney General for report.

Sir William Stapleton's letter of 30th November read (*see No. 1419*). Agreed that a copy be communicated to the Spanish Ambassador.

The report of the Law Officers as to the powers of Vice-Admiralty read (*see No. 1578*).

Memorandum of documents despatched and received. [Col. Entry Bk., Vol. CVII., pp. 267-271.]

March 11. **1585.** William Blathwayt to Henry Guy. My Lords desire the opinion of the Commissioners of Customs on the enclosed Act for Jamaica against engrossing and forestalling. [Col. Entry Bk., Vol. XXX., p. 205.]

March 13. **1586.** The King to [Earl of Craven]. Requiring the enactment of a law, similar to that of Jamaica, for the restraining and punishing of pirates. Countersigned, L. Jenkins. [Col. Entry Bk., Vol. XXII., p. 23.]

March 13. **1587.** The like letter to the Proprietors of the Bahama Islands. [Col. Entry Bk., Vol. XXII., p. 24.]

[March 13?] **1588.** Lords Proprietors of Carolina to the Governor of Carolina. Ordering an Act to be passed to restrain and punish privateers. Signed, Craven, Albemarle, Bath (for Lord Carteret), P. Colleton. [Col. Entry Bk., Vol. XXII., p. 23.]

[March 14.] **1589.** Abstract of a letter from Boston to Edward Randolph. On 21st January a town meeting was held at Boston to choose jurymen. Mr. Davy and Mr. Nowell, magistrates, and Mr. Mather and Mr. Allen, ministers, were in Court. Four or five jurymen were chosen, and then the King's declaration was published. Nowell stood up and declared that those who were free to deliver up their charter and right to the country should hold up their hands. A freeman stood up and asked if this did not concern the freemen only. Nowell assented. The non-freemen then left the court, and when the freemen were to vote not a man held up his hand. Then one of the freemen held up both hands and said, "The Lord be praised! Not a man held up his hand for the delivering up of the charter." Mather then stood up and exhorted the people, telling them that their forefathers had purchased, and that if they yielded it up, even as Ahab required Naboth's vineyard, their children would be bound to curse them. They might see examples enough before their eyes (meaning London and Piscataqua). It is certain that Watertown and one or two more towns declared for the King's Government, and this is recorded at Boston. It is

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resolved that at the election on 7th May next there shall be a new Governor and new magistrates, Bradstreet, Bulkeley, Stoughton, and Dudley being declared enemies of their country ; and that the election shall make Governor and magistrates unanimous. It is thought that they design to oppose any power from the King. The Indians eastward are preparing for war, and it is said will soon be in action. Your brother Bernard's case was called to be tried on 21st January, but one of his securities, Mr. Wharton, non-suited them to their sorrow. *Added by Edward Randolph.* My brother Bernard went to seize a vessel for breach of the Navigation Act. Going by water he found a boat hastening to warn the vessel, so took the boat's sail and gave the owner satisfaction. But the parties on board the boat, being relations to the vessel's commander and concerned in her cargo, arrested my brother in four actions to the value of 1,600*l.* as he was coming to England, but he was bailed by Mr. Wharton and others in Boston. *Signed, Ed. Randolph.* *The whole, 2 pp.* *Endorsed.* Recd. 30 May. '84. [Col. Papers, Vol. LIII., No. 51].

March 15.
Barbados.

1590. Lieutenant-Governor John Witham to Sir Leoline Jenkins. I beg your Honour's acceptance of a case of the spirit of citrons, of China orange flowers, and of pines, and hope you may like these (your predecessor, Mr. Coventry, highly esteemed 'em), also a dozen loaves of the best double-refined sugar. I shall be exceeding glad to understand they receive your approbation. I have little to say, having so settled the affairs of this Government that there is not one gainsaying man who appears in opposition to me. I have gained a great point in getting the Court of Pleas of the Crown established as of like authority with the Court of King's Bench, and the Court of Exchequer of as wide jurisdiction as the King's at Westminster. I have suffered no interest but my Prince's to govern me. I enclose an account of the late attack on New Providence, brought by one Abraham Passmore. *Holograph.* *2 pp.* *Endorsed.* *Annexed,*

1590. i. "A narrative how the Spaniards plundered New Providence, the 19th of January 1683." One Abraham Passmore arrived two days past from New Providence, which is the only settled place by the English where the vessels and the men that come to recover the Spanish wrecks in the Bahamas are refreshed. The people of Providence number about four hundred men that bear arms, and half as many women, and have got a considerable treasure out of the deep in "pigs and sows of silver," as they are termed. The Spaniards' knowing this planned to recapture it. At the beginning of January about two hundred of their choicest men were fitted out from Havana, well armed, in two barco-luengos, the one of forty, the other of thirty oars. They went to a small uninhabited island called St. Andrews, where they took an English sloop which was there for cutting timber. They made the three men in her their pilots, and came

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to the back of Providence on 18th January and waited through the night. At daybreak they landed 120 of their men at the town, while fifty assailed the shipping—six vessels—in the harbour. The people in the town being surprised fled from it to the woods, those in the ships also deserted them and fled on board a New England vessel of ten guns. This and one more ship stood out to sea; the rest were all pillaged and three men murdered. The Spaniards killed no one in the town, but kept it till four o'clock in the afternoon, in which time they took away all the wrought and unwrought plate that they could find, a quantity of English dry-goods, and such provisions as they wanted, and loaded their booty, valued by the English at 14.000*l.*, in a pink that they took in the harbour. While the Spaniards were in possession of the town, fourteen Englishmen got together and drove all the Spaniards before them. They would have driven them from the town and retaken the plunder if they had had powder and ball enough, and if the inhabitants had known of a rallying point, and had found but fifty firearms they might have saved all. All might also have been saved by the ship of ten guns if she had but stayed. But three men were killed, but many were carried off prisoners by the Spaniards, as suspected of being pirates. $1\frac{1}{2}$ pp., Dated 13th March 1683. Unsigned. Endorsed as headed. In the handwriting of John Witham. [Col. Papers, Vol. LIII., No. 52, 52 i.]

March 15. 1591. Extract of the above letter, omitting the portion about the presents. Copy. $1\frac{1}{2}$ pp. [Col. Papers, Vol. LIII., No. 53.]

March 15. 1592. The King to the Governor of West New Jersey. Ordering the passing of an Act on the model of the Jamaican Act against privateers. [Col. Entry Bk., Vol. XCIII., p. 173.]

March $\frac{1}{2}6$.
Newmarket. 1593. Memorial of the Dutch Ambassador to the King. The widow of William Hunthum and companions, Proprietors of Tortola, found it necessary at a late dangerous conjuncture to place the Island under the protection of the Governor of the Leeward Islands, Sir William Stapleton. He took possession and still holds it in the name of the said widow, but affairs are so much changed since the peace that the Proprietors wish to resume possession themselves, and have applied to Sir William for the purpose, who, however, says that he cannot comply without Royal order (see No. 1527). I beg that the necessary order may be given to him. Signed, Arnout van Citters. French. $1\frac{1}{2}$ pp. Annexed,

1593. i. Copy of Sir William Stapleton's letter to the Governor of Tortola (see No. 1527). [Col. Papers, Vol. LIII., Nos. 54, 54 i.]

March $\frac{1}{2}6$. 1594. Translation of the foregoing memorial. $1\frac{1}{2}$ pp. Endorsed. Reed. 1 April '84. [Col. Papers, Vol. LIII., No. 55, and Col. Entry Bk., Vol. XLVII., p. 140.]

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- March 16. **1595.** Pass from the Governor of St. Thomas for the sloop Fox.
St. Thomas. *Signed, A. Esmitt. Original. Seal damaged. Danish. 1 p.*
Endorsed. [Col. Papers, Vol. LIII., No. 56.]

- March 17. **1596.** Journal of General Assembly of Nevis. The Governor proposed that measures be taken, in view of the outbreak of small-pox at Montserrat, for keeping the disease out of the Island, if possible, and preventing its spread if introduced. The Council and Assembly suggested measures accordingly. The Governor proposed that a sloop should be fitted out for an attack on the Indians. The Council assented, provided that the other Islands also fitted out sloops. The Assembly consented to provide a sloop if Antigua, Montserrat, and St. Christophers sent two more. The Governor proposed that, in view of the failure of the look-outs to discover the approach of Indians and other previous shortcomings, they should be discharged. The Council and Assembly concurred. [Col. Papers, Vol. LII., No. 4.]

- March 17. **1597.** King Christian V. of Denmark to Governor Esmitt of Copenhagen. We have learned with the greatest displeasure that you have not only dared to seize an English ship and declared her good prize, but that you have protected and declined to restore seven runaway servants from Montserrat. This is contrary to your commission. You will restore both ships and men at once under penalty of summary punishment of death; and we bid you be careful to abstain from such acts of violence in future, or we will put in execution the penalties above named. 1 p. *French translation. Endorsed, with copy of the original address in Danish. [Col. Papers, Vol. LIII., No. 57.]*

- March 18. **1598.** Minutes of Council of Barbados. Order for payment of six months' wages due to the gunners and matrosses of the forts in Carlisle Bay. Order for payment of 50*l.* to Mary, wife of Simon Cooper, for the works on the fortifications and magazine. Order for payment of 60*l.* to Edward Clipsham and John Merricke, contractors for the Leeward fortifications. Adjourned to 15th April. [Col. Entry Bk., Vol. XI., pp. 520-522 and pp. 527-529.]

- March 19. **1599.** Commission from Robert Lilburne, Governor of the Bahamas, to Thomas Handley, to be Captain of the frigate Resolution, for defence of the Bahama Islands. *Certified copy. 1 p. Endorsed. Recd. from Bermuda, 17th July 1885. [Col. Papers, Vol. LIII., No. 58.]*

- March 19. **1600.** Opinions of merchants of Jamaica, as to an Act for encouraging shipping and ascertaining tonnage. The Act is approved by William Beeston, Thomas Ducke, and Samuel Clerke. *Copy. ½ p. [Col. Papers, Vol. LIII., No. 59.]*

- March 19. **1601.** Opinion of the same as to the Act against engrossing and forestalling. The Act is designed to prevent small traders and Jews at Port Royal from bringing up goods from ships before the

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inhabitants who live at a distance have time to come down and make their own bargain with the master of this ship; it is therefore a very good and necessary Act. *Signed*, Wm. Beeston, Tho. Ducke. *Copy.* $\frac{1}{2}$ p. [Col. Papers, Vol. LIII., No. 60.]

March 20. **1602.** Report of Commissioners of Customs to Lords of Trade and Custom House. **Plantations.** We have considered the Act for encouraging shipping and ascertaining tonnage in Jamaica, and consulted Mr. Beeston, Mr. Ducke, who, as well as Mr. Samuel Clerke, the Surveyor of the Warehouse, have approved it. We have no objection to it. *Signed*, Ch. Cheyne, G. Downing, N. Butler, And. Newport. 1 p. *Endorsed.* Read 9th April 1884. Act approved. [Col. Papers, Vol. LIII., No. 61, and Col. Entry Bk., Vol. XXX., pp. 204-205.]

[March 22.] **1603.** The Governor and six Magistrates of Boston to Sir Leoline Jenkins. It is the unhappiness of the country for years past, that complaints have been lodged against the Government, until at last the King has issued the *quo warranto* of which Mr. Randolph has given us notice. The majority of the magistrates have for several weeks declared for submission, and would have despatched our agents empowered to make that submission. But we cannot obtain the assent of the deputies, and have therefore agreed to a power of attorneyship to serve a present default, in the hope that further time may prevail for the despatch of our agents as aforesaid. We beg you to believe that we have endeavoured with all earnestness and sincerity to satisfy the King therein, feeling assured that he will regulate the charter for his own service and the good of the Colony. We know that the representation of this issue and imperfect submission will not be pleasing to you, nor acceptable to the King, but we have not dared to delay the ship, now ready to sail, in the hope of doing more at present, lest it should be imputed to us that we design only to gain time. We have therefore resolved to give you a plain and true account, and shall labour to bring the people to a better understanding before the next ship sails. *Signed*, Simon Bradstreet, Governor, Pet. Bulkeley, Nath. Saltonstall, Ja. Russell, William Stoughton, Joseph Dudley, William Browne, Barth. Gidney. *Copy.* Certified 28th April 1884. 2 pp. *Endorsed.* Recd. 22 March. [Col. Papers, Vol. LIII., No. 62, and Col. Entry Bk., Vol. LXI., pp. 197-198.]

March 24.

St. Jago
de la Vega.

1604. Sir Thomas Lynch to the Judge Admiral of Jamaica. I have your letter. You must not regard M.B., for like all the world he will press for his own interest contrary to all reason and justice. You have done well to assert the jurisdiction of your Court. If the case be given against you, you must appeal. You must notice that the Court and R[oyal] C[ompany] are particularly offended at Agent Peirson, so we must be careful what we do about the ship. Here follow further directions for the conduct of the case. *Copy.* 1 $\frac{1}{2}$ pp. *Inscribed*, Sir Thomas Lynch's letter to the Judge Admiral about the interloper Sevenoaks. [Col. Papers, Vol. LIII., No. 63.]

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- March 24. **1605.** Circular. Sir Leoline Jenkins to the Governors of all the Colonies. Forwarding copy of the King's proclamation against pirates for publication and execution in each Colony. [Col. *Entry Bk.*, Vol. *XCI*., pp. 298-301.]
- March 24. **1606.** Sir Leoline Jenkins to the Earl of Craven. Enclosing copy of the King's declaration of neutrality in the war between France and Spain. A like letter to the Proprietors of the Bahama Islands, with a letter to Governor Lilburne. [Col. *Entry Bk.*, Vol. *XXII*., p. 24.]
- March 24. **1607.** William Blathwayt to Governor Cranfield. Forwarding the Circular against pirates (*see No. 1582*) for transmission to the four Governments of New England. [Col. *Entry Bk.*, Vol. *XCVII*., p. 104.]
- March 24. **1608.** The same to the same. Forwarding copies of the circular against enlistment of British subjects in the service of foreign princes. [Col. *Entry Bk.*, Vol. *XCVII*., p. 106.]
- March 25. **1609.** Circular. Sir Leoline Jenkins to the Governors of the Plantations. Forwarding copies of the King's proclamation against the enlistment of his subjects in the service of foreign princes. [Col. *Entry Bk.*, Vol. *XCVII*., p. 105.]
- March 25. **1610.** Journal of General Assembly of Nevis. Proposed by the Assembly that some way be found for paying the country's debts. Ordered by the Governor and Council that a new list of dutiable negroes be made, and another list of white men, women, and children. [Col. *Papers*, Vol. *LII*., No. 4.]
- March 26. **1611.** Sir Thomas Lynch to the Judge-Admiral of Jamaica. St. Jago de la Vega. Further directions as to the conduct of the case against the interloping ship Sevenoaks (*see ante*, No. 1604). 1 p. Copy. [Col. *Papers*, Vol. *LIII*., No. 63.]
- March 26. **1612.** Grant from the Proprietors of Carolina of 3,333 acres to Mary Biggs. Signed, Craven, Albemarle, Bath (for Lord Carteret), P. Colleton. [Col. *Entry Bk.*, Vol. *XXII*., p. 22.]
- March 28. **1613.** Minutes of Council and Assembly of Nevis. The Council proposed an Act to empower any two justices of the peace to order servants to be paid their wages. The Assembly concurred. [Col. *Papers*, Vol. *XLIX*., No. 81.]
- March 29. **1614.** Sir William Stapleton to Lords of Trade and Plantations. Nevis. I sent Lieutenant-Colonel Pym and Colonel William Burt, and some other gentlemen, my companions in the "Indian-hunting," to St. Thomas, who would have effected the matter to the life had it been possible. But only one of them, Fym, was much as admitted on shore, so jealous and conscious of their guilt are both the Governor and his wife, who indeed rules there. Pym was told

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that none that came from me would be trusted or entertained, and that, if he came with Joab's hand, he would have the same measure given him before he left the port. Having no latitude for open hostility against a nation in amity, my emissaries attempted nothing, though it is a pity that our hands are tied when the Spaniards take Providence, capture all the ships, and detain the King's subjects in a worse captivity than Algiers, while this nest of pirates, St. Thomas, goes unpunished. If my reply to Captain Freeman's petition be not fuller, it is because Captain Bramley is at Montserrat, where small-pox is raging among blacks and whites. It is as fatal as the plague there, and we shall be forced to forbid communication with the Island. I enclose an account of the capture of Providence. Pray pardon my frequent request for the payment of the arrears due to myself and to the two companies, that, if I go home, I may leave them some credit. I do not think of taking the King's leave until the noise, or the consequence, of the war between France and Spain be better understood and signified to us here. This is the weakest and most open frontier. I cannot give a full account of the Leeward Isles for want of a frigate. The Francis is now reported to have fallen down to Jamaica, much shattered and torn. God grant it to be true, though I doubt it, for Captain Carlile was too diligent a man to be absent from his station, as he now is, if he were safe. I have received a further reply from Captain Bramley to Captain Freeman's allegation. *Signed*, Wm. Stapleton. *Holograph*. 2 pp. *Endorsed*. Recd. 2 June 1684. [Col. Papers, Vol. LIII., No. 64, and Col. Entry Bk., Vol. XLVII., pp. 119, 120.]

April 1.

1615. Journal of Lords of Trade and Plantations. Memorial of the Dutch Ambassador respecting Tortola read (see No. 1593). Ordered, that a copy be sent to Sir William Stapleton for his answer. Memorandum of documents received and despatched. [Col. Entry Bk., Vol. CVII., pp. 271, 272.]

April 2.

Whitehall.

1616. Order of the King in Council; repealing the Act lately passed in Jamaica for regulation of negroes and the Order in Council of 12th November 1680. *Signed*, Phi. Lloyd. [Col. Entry Bk., Vol. I., p. 109.]

April 2.

Whitehall.

1617. Order of the King in Council; for the execution of the recommendations of the Committee respecting the directions to be given to the Royal African Company (see No. 1571). [Col. Entry Bk., Vol. I., pp. 110-112.]

April 2.

1618. Order of the King in Council; for the preparation of a letter to Sir Thomas Lynch in execution of the same recommendations. [Col. Entry Bk., Vol. I., pp. 112-113.]

April 2.

1619. [Sir Leoline Jenkins] to Sir John Witham. Many thanks for your letters of 31st October and 12th November 1683 concerning pirates and your measures against them. Your conduct is fully approved. The Lords have given no further order

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as to Sir Timothy Thornhill's business than that I should confer with Sir R. Dutton about it. [Col. Entry Bk., Vol. XCIX., pp. 316, 317.]

[April 2.]

1620. Petition of Richard Thayre to the King and Privy Council. On receipt of the Order in Council of 2nd March 1683 (see No. 989) I sailed for New England, and delivered a copy thereof to Governor Bradstreet and to the select men of Braintree. The select men absolutely refused to call the inhabitants together as the Order directed. A few days later Governor Bradstreet issued a warrant to call the inhabitants together to choose jurymen for the Court, and then, after taking a copy of the Order, they bade me go about my business, defying me to prove the seal to be that of the Council. They said that it might be made under a hedge for all they knew, and the King was nothing to them and they were a free people. I beg either that I may be restored to the possession of my lands till the trial be over or the Government prove that it is theirs by purchase, or that your Majesty will make some other Order for my relief. 1 p. Endorsed. Read in Council 2 April 1684 and referred. Read 9 April. [Col. Papers, Vol. LIII., No. 65.]

April 2.
Whitehall.

1621. Order of the King in Council. Referring the petition of Robert Thayre to Lords of Trade and Plantations for report. (See preceding abstract). Signed, Phi. Lloyd. Memorandum below.—On consideration hereof the Lords think that petitioner must attend the issue of the *quo warrantum* against the charter of Massachusetts. [Col. Entry Bk., Vol. LXI., p. 212.]

April 18.

1622. Copies of legal documents respecting the proceedings in Cartagena in connection with the misappropriation of two thousand doubloons by St. Jago de Castillo (see ante, No. 1554). 6 pp. [Col. Papers, Vol. LIII., No. 66.]

April 4.

1623. Journal of General Assembly of Nevis. The Governor proposed the construction of a battery of five or six guns at Long Point. The Council concurred. The Assembly said that it would look into the matter and answer later. The Governor appointed James Russell, William Burt, Major Pym, and Captain Lee to join members of the Assembly in viewing the site of the proposed battery with him. The Assembly proposed that when Mr. Fenton makes up his accounts next Christmas, he shall take the debts to the Government then outstanding for his salary. The Council and Assembly voted the Governor 100,000 lb. of sugar. The Assembly finding the public debt to be 236,680 lb. of sugar, proposed a levy of 250,525 lb. on all dutiable negroes at 60 lb. a head, which makes 233,220 lb., the balance to be made up by an assessment on the merchants. [Col. Papers, Vol. LII., No. 4.]

April 4.
Virginia.

1624. Nicholas Spencer to Sir Leoline Jenkins. I am glad to inform you that our affairs are in a peaceable state, all ill-humours allayed, the inhabitants working industriously for a full crop of

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tobacco, which, with favourable seasons, may be expected to give a full harvest. Full return for labour is what all desire, though ours is so ill-managed that this great production makes our returns strait and narrow. To remedy this Lord Howard has found it necessary to call an Assembly for the 16th instant at James City. The chief matter for consideration will be the safety of the frontiers against foreign Indians by which we were frequently alarmed last winter; but, thank God, through the well guarding of the frontiers our interests were preserved. Lord Howard has told you that on his arrival he found this government in as good settlement as this wilderness is capable of, which was a great satisfaction to me; for I spared no pains from the time of Lord Culpeper's departure to that of Lord Howard's arrival, and shall spare none now. Lord Howard is industrious and zealous for the King and country, courteous and generous in his maintenance of his dignity. *Signed*, Nicho. Spencer. *Holograph*. 2 pp. *Endorsed*, R., 3 June. [Col. Papers, Vol. LIII., No. 67.]

April 6. **1625.** Lord Baltimore to Sir Leoline Jenkins. Thanks for your letter. After certain business has been despatched by the Assembly, I intend to sail for England at the end of this month, calling at York River to pay my respects to Lord Howard. I hope that I may have an opportunity of appearing before the Council Board to answer any charges against me and defend my right against William Penn. The Lords will doubtless think it reasonable for me to appear in person in a matter of such importance. *Signed*, C. Baltemore. *Holograph*. 1 p. *Addressed*. [Col. Papers, Vol. LIII., No. 68.]

April 8. **1626.** The Commissioners of Customs to Lords of Trade and Custom House. **Plantations.** We have considered an Act lately passed in Jamaica against engrossing and forestalling. Mr. Beeston and Mr. Ducke whom we have consulted, think it good and necessary (*see ante*, No. 1601). But another paper handed to us by the merchants and commanders of ships points out that the King and the Colony alike will be sufferers, as it will lessen the customs, obstruct navigation, and discourage merchants by spoiling free and open markets. The Act is already in force, and on the whole we recommend that it be speedily revoked. *Signed*, Ch. Cheyne, N. Butler, And. Newport, G. Downing. 1 p. *Endorsed*. Read 9 Apr. 1684. The Act to be repealed. [Col. Papers, Vol. LIII., No. 69, and Col. Entry Bk., Vol. XXX., pp. 206, 207.]

April 9. **1627.** Journal of Lords of Trade and Plantations. Report of the Commissioners of Customs on the Jamaican Act against forestalling read (*see preceding abstract*). Agreed that the Act be repealed. The Act concerning tonnage and shipping confirmed.

Draft of additional instructions to Sir Richard Dutton read and approved. A clause to be added instructing him to see that masters of ships produce certificates that they have given their bonds in England. Agreed that the first Councillor of Barbados be Custos

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Rotulorum, and that on his departure or other vacation of the office he deliver the records by inventory to his successor.

Petition of Richard Thayre read (*see No. 1620*). Ordered that petitioner attend the issue of the *quo warranto* against Massachusetts.

Memorandum of documents despatched and received. [Col. Entry Bk., Vol. CVII., pp. 282-285.]

[April 9.]

1628. Petition of Edward Randolph to Lords of Trade and Plantations. Prays for expenses of his journey from America in 1682, and to America and back in 1683-84. *Below.*-Minute by William Blathwayt, that the Lords think the request reasonable and recommend it to the Lords of the Treasury. *The whole, 1 p. Endorsed.* [Col. Papers, Vol. LIII., No. 70, and (Minute only) Col. Entry Bk., Vol. LXI., p. 201.]

April $\frac{9}{10}$.

1629. Sir Thomas Lynch's answer to the claim of the Governor of Cartagena for two thousand doubloons. Recapitulation of the circumstances (*see ante*, pp. 595, 596). His Excellency on the whole matter judges it just to give all parties time to make their claim and to defend it from others, it not being the practice of English Courts to condemn any without a hearing. The money is safe in the hands of the Royal Company's factor, and, no better claim appearing within twelve months, will be delivered to the Assiento. *Copy. 2½ pp. Endorsed.* [Col. Papers, Vol. LIII., No. 71.]

April $\frac{9}{10}$.
Jamaica.

1630. Sir Thomas Lynch to the Governor of Carthagena. I have received yours of 13th instant (*see ante*, No. 1622) about 2,000 doubloons brought here by Don Nicholas Porcio's servant, St. Jago de Castillo. I have given Don Juan Gesnes y Spinoza a particular answer, and doubt not that you will think it reasonable to give the parties concerned time to appear, unless Don Juan gives security to indemnify me for losses from future lawsuits. The money is safe and shall be returned when I can be sure that it will not find its way into the Caxa Real, from which, as from the grave, I do not see that anything returns. About nine years ago a ship with about a hundred negroes bound to Windward Islands was forced to Leeward, taken by two barco luengos, and brought to Carthagena, where the negroes were sold for half their worth by a confederacy between the Governor and the factors; the money being afterwards misspent, in spite of the protests of our ambassadors and the orders of the King of Spain. Since I came here myself, I have had occasion to ask your predecessor for the extradition of a thief who had run away with a sloop and cargo; but the sloop and cargo were sold and the money put into the Caxa Real. You ask for justice against Porcio; I ask for justice for my sloop and cargo. You accuse me of favouring privateers; I have done my best to suppress them. The pirates of any nation have no countenance from me, and you are welcome to hang them. But without disrespect to your nation, it is to the cowardice of "Nueva España Flota" and people that the success of the privateers

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is to be ascribed. I am always desirous to serve the Spaniards, but it is impossible to do so. Three times have I written to the Governor of Havana and offered to prove the bloody murders of Juan Corso, and have had no answer but fresh attacks and fresh cruelties. Those that rob us are the King of Spain's ships and the Governors who receive them and divide the spoil with them. I am confident you will pardon my plainness. *Copy.* $5\frac{1}{4}$ pp.
Endorsed. [Col. Papers, Vol. LIII., No. 72.]

April 10.

1631. [Lords Proprietors of Carolina to the Governor of North Carolina]. The King's Proclamation of Neutrality must be observed, and the Acts of Trade and Navigation obeyed. According to our fundamental constitution eight seignories must be set apart for the proprietors in each county. *Postscript.*—We send our fundamental constitutions to you for signature, your hand alone being wanting. We also send the Proclamation of Neutrality. [Col. Entry Bk., Vol. XXII., pp. 23 and 33.]

April 12.
Nevis.

1632. Sir William Stapleton to Lords of Trade and Plantations. I enclose, as ordered, copies of the trial of one of the King's subjects slain in the service of the Royal African Company. The first copies were carried home by the Company's agent, Robert Helmes, but he cannot have delivered them, for the Company reprimanded me for not sending them, as if I were one of their agents. I make no reply to their censures till I appear before your Lordships, when I shall prove them to be grounded on the false information of William Freeman, Christopher Billop, and Robert Helmes, my ungrateful adversaries. *Signed,* Wm. Stapleton. *Holograph.* $1\frac{1}{2}$ pp. *Endorsed,* "Recd. 3 June '84." [Col. Papers, Vol. LIII., No. 73, and Col. Entry Bk., Vol. XLVII., pp. 120, 121.] *Annexed,*

1632. i. Copy of the proceedings held at Nevis touching a riot, wherein James Starkey was killed in the year 1679. $2\frac{1}{2}$ pp. *Endorsed.* Recd. 3 June 1684.
1632. ii. Copy of the King's letter to Sir William Stapleton, of 18th March 1679-80, which was read at the above proceedings. $1\frac{1}{4}$ pp. *Endorsed.*
1632. iii. Copy of a letter from the King to Sir William Stapleton of 28th September 1683 (see No. 1277), which was read at the above proceedings. 1 p. *Endorsed.*
1632. iv. Depositions of William Helme, Robert Ellis, Anthony Burgess, Richard Grant, and James Thomas, Sworn before John Saffin, Coroner, 29th August 1679. 4 pp.
1632. v. Examination of Theophilus Clare. Same date and same occasion.
1632. vi. Examination of Rowland Peterson. Undated. Same occasion.
1632. vii. Deposition of James Thomas, sworn before Nicholas Raynsford, 29th August 1679. 1 p. *Endorsed.* Recd. 3 June '84,

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1632. viii. Deposition of Richard Grant. Same date and occasion. $1\frac{1}{4}$ pp. *Endorsed as preceding.*
1632. ix. Deposition of Robert Ellis. Same date and occasion. $1\frac{1}{2}$ pp. *Endorsed as No. vii.*
1632. x. Deposition of Anthony Burgess. Same date and endorsement. $1\frac{1}{2}$ pp.
1632. xi. Deposition of Samuel Bryant. Same date and endorsement. 1 p.
1632. xii. Deposition of William Helme, 30th August. Same endorsement. $1\frac{1}{2}$ pp.
1632. xiii. Deposition of Edward Winter. Same date and endorsement. 1 p.
1632. xiv. Deposition of John Winter. Same date and endorsement. 1 p.
1632. xv. Deposition of Thomas Peel. Same date and endorsement. 1 p.
1632. xvi. Deposition of George Stanley. Same date and endorsement. 1 p.
1632. xvii. Deposition of Thomas Swift, 31st August. Same endorsement. 1 p.
1632. xviii. Deposition of Robert Edgar. Sworn before John Saffin, Coroner, 9th September 1679. 1 p.
1632. xix. Verdict of the Coroner's jury, 10th September 1679. 1 p.
1632. xx. Deposition of Rowland Peterson before Nicholas Raynsford, 22nd September 1679. 1 p. *Endorsed as No. xvii.*
1632. xxi. Return of witnesses for the Crown. *Signed*, Jo. Saffin, Coroner. 3 November 1679. 1 p.
1632. xxii. Deposition of Anthony Burgess. Sworn before Nicholas Raynsford, 13th November 1679. [Col. Papers, Vol. LIII., Nos. 73 i.-xxii.]

April 13.
Windsor.

1633. The King to Sir Thomas Lynch. Having heard of the violence lately committed by pirates on Vera Cruz, and that the King of Spain is sending a Commissioner to enquire into the same, we order that if that Commissioner should apply to you for advice or assistance you will give him all in your power. You will, if he desires it, inform him privately as to the warning which you sent to the Governor of St. Domingo respecting Nicholas Vanhorn, and his answer thereto, and also as to any secret correspondence between that Governor and Vanhorn. You will permit no succour nor retreat to be given to any pirates, least of all to Thomas Pain, who, with five vessels under Breha, a Frenchman, is lately arrived at Florida. You will do all in your power to suppress pirates, and see that our orders in this respect are carried out. *Countersigned*. L. Jenkins. [Col. Entry Bks., Vol. XXX., pp. 229-231, and Vol. XCIX., pp. 318-319.]

April 13.
Nevis.

1634. The King to the Governor and Magistrates of Massachusetts. In consequence of the ravages of pirates in the territory of the King

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of Spain, we have thought it fit, for the encouragement of the amity that exists between us and his Spanish Majesty, to give orders for the suppression of pirates, and that you give no succour nor assistance to any, and especially not to one called Thomas Pain, who, with five vessels under the command of Captain Breha, has lately sailed to Florida. Such pirates you will exterminate, so far as in you lies, as a race of evildoers and enemies of mankind. You will also take care that our proclamation of the 12th ultimo is observed and executed. 1 p. [Col. Entry Bks., Vol. LXI., pp. 201, 202, and Vol. XCIX., 320-321.]

- April 14. **1635.** Sir William Stapleton to Lords of Trade and Plantations. Nevis. On the request of the Council of Antigua (*see ante*, No. 1557), I send further Acts of that Island for confirmation. *Signed*, Wm. Stapleton. *Holograph*. $\frac{1}{2}$ p. *Endorsed*. Recd. 3 June 1684. [Col. Papers, Vol. LIII., No. 74, and Col. Entry Bk., Vol. XLVII., p. 138.]
- April 15. **1636.** Minutes of Council of Barbados. Order for payment of 50l. on account to Mr. Thomas for ironwork on the fortifications; the same to Simon Cooper, mason, for the stonework; 62l. to John Saunders, for wood-work on the magazine; and 27l. to Thomas Cudduging, for delivering stones for the forts at Read's Bay. [Col. Entry Bk., Vol. VII., pp. 522-524 and 530-532.]
- [April 16.] **1637.** Speech of Lord Howard of Effingham on opening the General Assembly of Virginia. Recommending the building of towns; announcing the goodness of the King in not suppressing the Indian trade; and recommending a law empowering the Governor and Council to levy a tax not exceeding twenty pounds of tobacco per poll. The King expected of you a law to express your detestation of plant-cutting. Serious consideration of Indian affairs is necessary, and the remodelling of the militia. $2\frac{1}{2}$ pp. [Col. Entry Bk., Vol. LXXXV., pp. 219-221.]
- April 16. **1638.** Journal of Assembly of Virginia. Orders of public charge and levy to the sum of 702,432 lbs. of tobacco (pp. 95-105). List of members.

Colonel John Farrar	} Henrico County.
Captain William Randolph	
Colonel Edward Hill	} Charles City County.
James Minge	
Colonel Thomas Ballard	} James City County.
William Sherwood	
Henry Hartwell.	James City.
Major Arthur Allen.	Surrey County.
Joseph Woorg	} Isle of Wight County.
Captain Henry Applethwaite	
John Brassear	} Nancymond County.
Major Barnard Kearne	
Captain John Matthews	} Warwick County.
Captain Miles Cary	

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Captain Francis Page	}	York County.
Joseph King		
Major Henry Whiting	}	Gloucester County.
Captain Thomas Pate		
Colonel George Mason	}	Stafford County.
William Fitzhugh		
Major Charles Scarburgh	}	Accomack County.
Lieutenant-Colonel Daniel Jenifer		
Colonel William Kendall		
John Custis		Northampton County.

His Excellency being indisposed, the House adjourned at his request till the morrow afternoon.

April 17. His Excellency bade the House choose its Speaker, and it chose Colonel Ballard, who was approved by the Governor. Committee appointed to examine returns of writs and elections. The House in a body accompanied the Speaker to Church, and on its return passed a vote of thanks to the preacher. Two Members of Council brought down the Governor's Commission and administered the oaths. Address to the Governor for a new writ for Northampton, Mr. John Custis having been sheriff when elected. Edward Rosse chosen as drummer to the General Court and Assembly.

April 18. Resolved to ask the Governor for a copy of his speech; that the Clerks of the Committee shall give assistance to the Clerk of Assembly; and that sheriffs who have not made due return of the writs be prosecuted. The Address to the Governor for a copy of his speech; His Excellency complied with its request. Appointment of Robert Bradley to be a Clerk of Committee on submitting to a sharp reproof for previous misconduct. John Custis fined 2,000 lbs. of tobacco for making an improper return as Sheriff. The bills concerning escheats and compositions which were passed last Assembly, ordered to be examined and redrawn. The Governor sent down his speech, and received the thanks of the House for it.

April 19. Committees appointed to examine the Governor's Commission and the records, for propositions and grievances, for private causes, for examination of public claims and debts, for examination of certificates, for apprehending runaway slaves. Order for a congratulatory address to the King on his escape from the popish plot. The list of Committees reported to the Governor. Address for Councillors to be added to that for public claims. His Excellency summoned the House and made a speech, saying that he was sorry to see such obstructions at the beginning of the Assembly, as were shown by the request for Councillors to be added to the Committees. The King had ordered, and Lord Culpeper had already announced, that there were to be no appeals from the General Court to the Assembly. Finally, he desired the Assembly to proceed to business. Address thanking the Governor, and asking as to his further instructions from the King; mentioning also that the House was unaware of the King's declaration as to appeals, and that Lord Culpeper did not to their knowledge enforce it, but rather the contrary, and praying for a sight of the former and

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present instructions. Order for no member to leave James City without the Speaker's permission. [Col. Entry Bk., Vol. LXXXV., pp. 107-125.]

April 17. 1639. Order of the King in Council. Confirming the laws of Hampton Court, Jamaica (*see ante*, No. 1239). Signed, Phi. Lloyd. [Col. Entry Bk., Vol. XXX., pp. 207-209.]

April 17. 1640. The King to [Sir Thomas Lynch]. We have received with great satisfaction the loyal address of the Assembly of 5th September last (*see No. 1237*), and have confirmed your laws by Order in Council. But we have not confirmed the Act for the better ordering of slaves, in order to prevent the wanton killing of negroes; and on the advice of the Commissioners of Customs we have also disallowed the Act against engrossing and forestalling. [Col. Entry Bk., Vol. XXX., pp. 210-212.]

April 17. 1641. William Blathwayt to the Attorney-General. You are desired to give your opinion on the newly-established Court of Barbados for holding pleas of the Crown, and to hasten your report concerning the repeal of laws in the plantations. [Col. Entry Bk., Vol. VII., p. 238.]

April 18. 1642. Deposition of John Thomas, commander of the sloop Three Sisters. Was at Tortola on 24th March, and on his way to St. Christophers broke his mast, and was forced to put back to Tortola. While he lay at anchor, a three-master vessel came in under a commander, supposed to be Hamlin, who boarded the sloop, plundered it, and threatened to kill deponent, telling the Governor of Tortola he would cut him into meat for the pot. Hamlin kept possession of the sloop for a day and a night, but left her in the roads when he sailed away, and deponent watched his opportunity to retake her. Sworn before Sir William Stapleton 18th April 1684. 1 p. Endorsed. Recd. 24 Oct. 1684. [Col. Papers, Vol. LIII., No. 75.]

April 21. 1643. Journal of Assembly of Virginia. Order for the Governor's speech now read to be referred to the Committee of Grievances. Resolved, that the Committee for inspecting the journals of the last Assembly proceed with its work; that no propositions and grievances be received after Saturday next, 25th. Grievances of Yule and Nancymond counties read and committed. His Excellency's Instructions as to appeals read.

April 22. Grievances of five counties read and committed.

April 23. Report of the Committee for inspecting the journals referred to the Committee of Grievances. Report of the Committee for inspecting the records read. Resolved to address the Governor for copies of his Commission and Instructions relating to the Assembly. Lord Culpeper's Commission and Instructions to be entered in the Book of the Assembly. The Committee for inspecting records to examine and report as to quit-rents. Resolved, that it is a great grievance that access to the records in the Secretary's office should

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be denied. Sarah Bland's petition rejected. Grievances of various counties read and committed. His Excellency's Commission sent down, with a message saying that he was glad to let the House have it, and would communicate his instructions, so far as was fit and necessary, as soon as he had perused them. Six members waited upon the Governor to thank him; who replied that, as he had complied with the House's wishes, he hoped the House would comply with his.

April 24. Several extracts from the records relating to foreign coins, fines, &c., read and committed. The Governor's Commission returned. He explained that the Instructions were long preparing as he wished nothing to be omitted. Time for admission of claims limited to Monday 28th, and of grievances to 1st May.

April 25. The Governor's Instructions read and referred to the Committee of Grievances.

April 26. The Committee of Grievances presented a part of their report. Resolved to address the Governor to summon John Parvis before him for importing false and imperfect copies of the book "Complete Collection of the Laws of Virginia"; to grant patents confirming their lands to the inhabitants of Northumberland; and that he and the Council will join in a petition to the King for restoration of appeals from the General Courts to the Assembly. Copy of the address embodying these requests. [Col. Entry Bk., Vol. LXXXV., pp. 125-135.]

April 22. **1644.** A letter to Sir Thomas Lynch. My last informed you New Providence. of the Spaniards invading and plundering our town. This is to tell you of our preparations against them. Six men-of-war have commissions to guard the coast, which is the least of their intentions, they being already gone away on some other design and great expectations. The Governor is starting for England, for what reason I know not, but his pretence is to address the King and Lords Proprietors for satisfaction from the Spaniards. In my opinion he will have enough to do to justify himself. This is not the way to make a happy people if the King designs this Island for a plantation. If you will inform the King of these things, you will greatly oblige the inhabitants and especially myself, who have suffered much for opposing these violent courses. It will not be necessary to mention my name at home, lest the Proprietors take it amiss that I address any but themselves, and I must be careful to disappoint one whom I know to be my enemy. "Thy real friend to serve thee." Name torn off. 1 p. Endorsed. Recd. 15 August 1684. [Col. Papers, Vol. LIII., No. 76.]

April 23. **1645.** Minutes of Council and Assembly of Antigua. The Council desired the concurrence of the Assembly in sending a sloop against the Indians at the joint cost of Nevis, St. Christophers, Montserrat, and Antigua. The Assembly professed itself willing to abide by its promise, but declared this to be impossible till after crop-time. The Council represented that the Island lay under obligations to Sir William Stapleton and the other Islands. The

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Assembly conceived that the Islands that have the precedence would send their sloops first, one after another, by which time crop-time might be over. The Council again desired the Assembly's agreement to an Act to confirm the land in the Island to the possessors thereof. The Assembly declined on the ground that they could not be satisfied at present as to what persons had been dispossessed of their lands. The Council pressed the point for passing the Act with certain limitations. The Assembly assented, provided no advantages were given to those who had surreptitiously dispossessed others of their lands, and proposed three members to draft the Act. The Council accepted the compromise. The Council proposed payment for five small brass guns. The Assembly dissented, owing to the indebtedness of the Island. [Col. Papers, Vol. XLIX., No. 81.]

April 24.

1646. The Attorney-General to William Blathwayt. In reply to yours of 17th instant (*see No. 1641*), I think the Barbados Court for holding pleas of the Crown may be useful, and may be annexed to the Court of Exchequer there. As to your second question, I am of opinion that the repeal of an Act of repeal revives the original law. *Signed, R. Sawyer. Holograph. ½ p. Endorsed.* [Col. Papers, Vol. LIII., No. 77, and Col. Entry Bk., Vol. VII., p. 238.]

April 24.

1647. The Attorney-General to William Blathwayt. On your question of 4th March (*see No. 1577*). I am of opinion that the disallowance of the Act of repeal amounts to approbation of the original law. [Col. Entry Bk., Vol. XCVII., p. 107.]

April 26.

1648. Commission from King Christian V. of Denmark to the Governor of St. Thomas. *Copy. Certified by Sir William Stapleton. Latin. 1 p. Endorsed. Recd. 24 January 1684-85. Read 31st.* [Col. Papers, Vol. LIII., No. 78.]

April 26.

May 6. Laurens, the pirate, to Sir Thomas Lynch. I present my humble respects and hope that your health is good. I have a few details to give you about a small English ship, laden with sugar, which I found in the hands of a Spaniard. I took both ships in the night, kept the Spaniard and set the Englishman free. The English captain told me that the Spainard was taking him and his ship into Havana, but I gave him the ship back without doing him any harm. I send this short note only to show you that I am far from injuring your nation, but, on the contrary, am anxious always to do it service. *Signed, De Grasse. Inscribed and endorsed: Lawrence's letter to Sir Thomas Lynch. Recd. 15 August 1684. 1 ¼ p.* [Col. Papers, Vol. LIII., No. 79.]

April 28.

1650. Minutes of Council of Jamaica. Order for payment of salary to Chief Justice Bernard. The Assembly prorogued to 4th June. Adjourned *sine die.* [Col. Entry Bk., Vol. XXXVI., pp. 35, 36.]

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April 29.

1651. Lords Proprietors of Carolina to Sir Richard Kyrle. We send you a commission as Governor of Carolina. The Spaniards have not always been very good neighbours, and we know not how soon they may attack you. You will therefore consult the Council and Parliament, and put the country into the best posture of defence that you can, in order to which you will hasten the settlement of the militia and set good men in command. You will cause the companies to be frequently trained, and agree upon the rendezvous of each company and regiment in case of alarm. And the alarm for the approach of a Christian enemy should be different from that used of Indians. You will arrange what is to be done in either case, and we hope that your preparations may make the enemy desist from attempts that are chiefly encouraged by carelessness in defence. We have already given orders for publishing the proclamations of neutrality and against privateers. Your patent for Landgrave will follow by next ship. *Signed,* Craven, Albemarle, Bath (for Lord Carteret), P. Colleton. [Col. Entry Bks., Vol. XXI., p. 126, and Vol. XXII., p. 28.]

[April 29.] **1652.** Instructions to Sir Richard Kyrle. Four articles supplementary to those issued to Governor Moreton. [Col. Entry Bk., Vol. XXII., p. 29.]

[April ?] **1653.** Affidavit of Edward Randolph. As to his delivery of the King's declaration and writ of *quo warranto* at Boston, and their reception by the Magistrates and Deputies. He believes the signatures to the Magistrate's letter (*see ante*, No. 1603) to be genuine, and heard that the Governor and Magistrates passed a power of attorney under their Common Seal, and sent it to Mr. Robert Humphreys their solicitor. *In Randolph's hand.* 1½ pp. Undated. Endorsed. [Col. Papers, Vol. LIII., No. 80, and Col. Entry Bk., Vol. LXI., pp. 202, 203.]

April 29. **1654.** Journal of Assembly of Virginia. The Governor's answer to the address of the 26th instant. The Council and I agree with your first proposal, and have prohibited the false collection of laws of Virginia from admission into any Court. As to the second proposal, the matter is under the King's consideration, and I expect his orders in favour of the inhabitants every ship, so I think that this is not a time to say more about it. As to the third, we will join you in asking that appeals shall not be carried to England when less than 300*l.* is at issue. Address from the Committee of Grievances respecting appeals read and ordered to be presented to the Governor. It contains a copy of an address on Colonel Codd's case of 11th November 1679, and points to it as an example of the hardships that may be caused by malicious appeals.

April 30. Act for altering the time of holding General Courts read a second time. Act repealing Acts concerning Sheriffs taking bail read a first time.

May 1. Resolved, that a Bill be framed to repeal the Act of 1682 for encouragement of the manufacture of linens. Resolved, on the

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petition of Colonel George Lyddall and Captain Jos. Foster, that the militia of the counties ought to defend themselves in case of sudden invasion without charge to the public. Several Acts read. Resolved to address the Governor that Councillors may join with a Committee of Burgesses to amend and digest the law. A Committee appointed to ask Auditor Bacon for an account of the two shillings a hogshead tobacco duty.

May 2.

Reported to the House, in its message to Auditor Bacon, that the Governor thought the House would have known better than to meddle with affairs that did not concern them. Order for an address to the Governor for the accounts referred to, and for access to other records. Address to the Governor asking for the rebuilding of the State-house at James City out of the proceeds of the two shillings a hogshead and port-duties; also for Councillors to assist in amending and digesting the laws. Several Acts read.

May 3.

Address to the Governor giving reasons for its wish to examine the accounts of the two shillings a hogshead duty. The Committee of Claims reported a claim for 98,000 lbs. of tobacco paid to the soldiers out of the quit-rents received by Lord Culpeper. Order for the Committee to report to the House by what right Lord Culpeper receives those quit-rents. Several Acts read. [Col. Entry Bk., Vol. LXXXV, pp. 135-146.]

May 1.

1655. Minutes of Council and Assembly of St. Christophers. Order that in consequence of depredations by negroes, every negro taken in theft of canes or produce be whipped thirty lashes if taken by daylight; if seen stealing at night it is lawful to shoot at them with small shot. Negroes found in the highways or in any plantation after 10 p.m. without a pass from his master to be secured and his master fined 50 lbs. of sugar. Concurred in by the Assembly, who request that steps may be taken to prevent negroes from profaning the Sabbath by assembling and beating drums, by imposing a fine of 500 lbs. of sugar on the owners; also that robberies by runaway negroes may be checked; that the Act of Resettlement be strictly enforced, and that negroes be prohibited from walking with great clubs or "bangalows." Proposed by the Assembly that in future creditors be required to endorse on oath the quantity that they may have received in part payment on the back of the judgment. [Col. Papers, Vol. LV., No. 48.]

May 2.

1656. Order of the King in Council. Granting the prayer of Hampton Court, the petition of the Royal African Company to be re-heard before the Lords of Trade on the subject of the supply of negroes to Jamaica; the Lords to report thereon. Signed, Phi. Lloyd. 1 p. [Col. Papers, Vol. LIII., No. 81, and Col. Entry Bk., Vol. I., pp. 113-115.]

May 2.

1657. Order of the King in Council. Referring the petition of Sir Henry Morgan, Robert Byndloss, Roger Elletson, and Charles Morgan, to Lords of Trade and Plantations, for their report. Signed, Phi. Lloyd. 1 p. Endorsed and inscribed.

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Recd. 7 May '84 (see next abstract). [Col. Papers, Vol. LIII., No. 82, and Col. Entry Bk., Vol. XXX., p. 257.]

[May 2.]

1658. Petition of Sir Henry Morgan, Colonel Robert Byndloss, Roger Elletson, and Charles Morgan, to the King in Council. Sir Thomas Lynch has suspended Sir Henry and Colonel Byndloss, from the Council and from all public employment, and Roger Elletson from his practice of the law, and dismissed Charles Morgan from his office of Captain of the Forts in Port Royal. Charles Morgan also on his arrival has found that Sir Thomas has greatly misrepresented all of petitioners. Pray permission to present a statement of their case. Copy. 1½ pp. Endorsed. Read in Council, 2 May. [Col. Papers, Vol. LIII., No. 83, and Col. Entry Bk., Vol. XXX., p. 258.]

May 2.

1659. Copy of foregoing petition. [Col. Papers, Vol. LIII., No. 84.]

May 3.
Nevis.

1660. Sir William Stapleton to Lords of Trade and Plantations. I beseech you to let me know the King's pleasure on the heads of the enclosed petition, that I may leave the officers and soldiers of the garrison of St. Christophers in credit and some way of subsistence, and may discharge several debts incurred for provisions and necessaries for the said soldiers. I wish to leave after seventeen years of government without any just clamour for debts and promises. It is very hard for our soldiers to see the French paid punctually ninepence a day, while their wage is but eightpence a day and that three years in arrear. The French have nothing stopped except for provisions and clothes, and six deniers for the Hotel des Invalides. Mr. Gold, the minister, arrived here on the 25th April, and next day was presented to St. James's parish. Signed, Wm. Stapleton. Holograph. 1 p. Endorsed. Recd. 6 Aug. '84. [Col. Papers, Vol. LIII., No. 85, and Col. Entry Bk., Vol. XLVII., pp. 160-161.]

May 3.

1661. Additional instructions to Sir Richard Dutton. 1. To bring in a new law for the regulation of grand sessions, the Governor or Chief Judge to be assisted by the Council, and the Council and no others to have votes in the settling of fines and other matters. This method to be pursued at once till the Act be passed. 2. A law to be passed for the punishment of wilful and wanton murder of negroes. 3. To pass a law to restrain privateers and pirates. 4. To publish the rules for regulation of commerce and navigation fixed by proclamation of 12th March last. 5. To check exports to Tobago, which has been recently settled without royal permission, and discourage the settlement. 6. To furnish a list of twelve persons best qualified to be councillors, and supplement it as required. 7. Sir John Witham to retain his precedence in the Council and his rank as President on the Governor's death or absence. 8. The Militia-Act being temporary is not to receive your assent unless it may be made indefinite. 9. To prevent vexatious

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suits, no appeals to the King and Council shall be allowed unless made within a fortnight after sentence, and good security be given for its prosecution. 10. To revise existing laws, and send home a complete list of them. 11. To recommend to the Assembly the building of a common gaol. 12. Returns of the money raised for the support of the Government to be furnished half yearly to the Lords of Trade and the Commissioners of the Treasury, with accounts and vouchers. 13. All masters of ships are to produce a certificate of the bonds entered into by them before they are permitted to ship any of the articles enumerated in the Act for securing the Plantation Trade of 25 Car. II. 14. The first Councillor to be Custos Rotolorum and be responsible for the keeping of all public records. [Col. Entry Bks., Vol. VII., pp. 234-238.]

May 3.

1662. Memorandum of the Attorney-General. The information should be slightly amended, and it should be moved that Mr. Humphreys produce his power of attorney in Court and justify Massachusetts of the charges against it if he can. The returns of the writs should be amended by Mr. Normansell upon the letter of the Governor and Magistrates (*see No. 1603*) ; if he refuses them, a new writ should be sent over by direction of the Lord Chief Justice, since the Sheriffs of London pretend that it is not of their bailiwick, because the Governor and Company have no estates in the liberties of London. *Copy.* 1 p. *Endorsed.* [Col. Papers, Vol. LIII., No. 86, and Col. Entry Bk., Vol. LXI., p. 213.]

May 5.

1663. Journal of Assembly of Virginia. Address of the House to the Governor for building him a residence, proposing that he should choose a site and a plan. Bills returned from the Governor assented to with amendments which were accepted by the House. Message from the Governor, asking for reconsideration of the answer to Colonel George Lyddall and Captain Jos. Foster, as he could not be responsible for the defence of the Colony unless the militia were encouraged. Another message from the Governor. I have no power to suspend the King's Order for Colonel Codd to answer Sarah Bland's appeal, but I will represent to His Majesty how unfairly and untruly she has stated her case. I concur with you in the expediency of rebuilding the State-house, but there are, as you know, no funds. I therefore command to you the King's instructions for a duty on imported liquors. I have received bills which you have sent up to me, and suggest a few amendments. Address from the House to the Governor. We can find no order or vote of the House acquainting you of our decision respecting Colonel Lyddall and Captain Foster, so the information given to you is a breach of privilege, and we must beg your Excellency not to receive such. Order that Colonel West and Captain Foster have infringed the privileges of the House by communicating this vote, and that they be sharply reprehended by the Speaker. Colonel West and Captain Foster refusing to submit to this order, were committed to their chamber to be strictly confined till further

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order. Message from the Governor that if there were any mistake in the matter it was on his side, and he would amend it. Addresses ordered to be prepared for to-morrow.

May 6.

Two bills read. Two addresses to the Governor. We have received no answer to our request for the accounts of the two shillings a hogshead duty. We beg that they may be submitted to us as necessary for our deliberations. As to revision of the laws we conceive that it can be done only by the General Assembly.

May 7.

Two bills read; several divisions on that for repealing the Act for cohabitation. A note from Colonel Kendall to Colonel West and Captain Foster desiring their attendance at a Committee, with their answer saying they believed they could not comply without ample restoration by the whole House which had confined them.

May 8.

Petition from Colonel West and Captain Foster, acknowledging their fault, received; and they were re-admitted to their places. Message from the Governor thanking the House for its offer to build him a house, and asking for time to consider, as he was still so new to the country. As to your desire to inspect the accounts of the two shillings a hogshead, I have already told you that it is in arrear, and that it is a matter for the Lords of the Treasury only; but I am willing to show them to you, though I expect of you that when you have satisfied yourselves that the receipts fall short of the charges in the fund you will proceed to pass a duty on imported liquors. I must ask you to reconsider the Bill of Escheats. As to the revision of the laws, it is directed by my instructions; when done, the revised set will be submitted to the General Assembly. Resolved to draw up a new Bill concerning Escheats.

May 9.

Two bills read. The Governor made the Assembly a speech, saying that they had sat nearly a month, and had done very little towards carrying out his suggestions and the Royal instructions, and that he could not let them sit much longer. The House answered with thanks, and brought up the Bill to repeal the Act for encouraging the linen manufacture. Bill for better defence of the country read a first time.

May 10.

The Governor communicated the Royal instructions concerning fines. Resolved to observe them. Resolved to reward Captain George Brent and his men for their good service against the Indians. Bill for better defence read a second time. Address of congratulation to the King on his escape from the Popish plot. [Col. Entry Bk., Vol. LXXXV., pp. 147-167.]

[May 6.]

1664. Account of the Trade of St. Christophers from 1682. A list of ships with cargoes, &c. 6 pp. *Endorsed, with a précis as follows* :—Imported in sixteen months ending 2nd February 1683-84:—Provisions 251½ tons, fish 18½, wine 62½, liquors 7. Total provisions of all sorts, 339½ tons. [Col. Papers, Vol. LIII., No. 87.]

May 7.

1665. Journal of Lords of Trade and Plantations. Sir William Stapleton's letter of 13th January read (see No. 1504). Agreed to press the Danish envoy for a speedy answer and redress for the

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injuries received from the Governor of St. Thomas, and that to this end an abstract of Sir W. Stapleton's complaints be made; also, that a proclamation be issued by the Governor of the Leeward Islands recalling all British subjects from St. Thomas and other foreign Colonies under penalties. Colonel Thomas Hill's letter of 13th February read (see No. 1536). Also an address from the Council of St. Christophers of 1st February, and from that of Nevis of 14th February (see Nos. 1526, 1539). The Lords will take notice in their answer of the too great forwardness of these Islands in meddling with the King's intentions as to the appointment of a new Governor. Petition of Christopher Jeaffreson read (see No. 1668). Ordered, that the keeper of Newgate report what number of persons condemned to transportation are now in his custody.

The Attorney-General's report as to the new Court of Pleas of the Crown in Barbados read and approved. Memorandum of documents received. [Col. *Entry Bk.*, Vol. CVII., pp. 286-290.]

May 7.

1666. Conveyance of the public lands of the Somers Island Company to William Gore and John Lloyd, merchants, and John Mallory, citizen of London, in payment of the Company's debts. *Certified by Richard Banner.* Three sheets. Endorsed. [Col. *Papers*, Vol. LIII., No. 88.]

[May ?]

1667. Schedule of land proposed to be sold for the Company's debts. Fifty acres in St. George's, Long Bird Island, Cooper's Island. Fifty acres at Tucker's Town. 1 p. Endorsed. No date. [Col. *Papers*, Vol. LIII., No. 89.]

[May 7.]

1668. Petition of Christopher Jeaffreson, agent for St. Christophers, to Lords of Trade and Plantations. In November 1682 petitioner asked for three hundred malefactors to be transported to St. Christophers, and it was long ago ordered by the King in Council that they should be delivered to him, yet not one has been transported, though many have been sent to other colonies. Prays for delivery of three hundred male malefactors; also for arms and ammunition for the forts. 1 p. Endorsed. Read 7 May 1684. [Col. *Papers*, Vol. LIII., No. 90.]

May 7.

1669. Act of Bermuda for restraining and punishing privateers and pirates. 3½ pp. Endorsed. Made by the Company at Sadler's Hall, London. Recd. 13 May '84. *Certified by Richard Banner.* Attached is a note to William Blathwayt, "Sir,—A great part of this Act is left out in the Company's Act, as you may see by the black lines drawn about what is omitted." Unsigned. [Col. *Papers*, Vol. LIII., No. 91.]

May 7.
Boston.

1670. Joseph Dudley to Sir Leoline Jenkins. My late attendance in London assured me of your care for the King's interest and the perfect settlement of this place, which might have been happily brought to pass had the people been persuaded to listen to the king's letters and submit. We have tried our utmost to persuade the people

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to take advantage of the King's declaration, the issue of which is that we are rendered as enemies to their liberties and peace, and several of us dismissed from our place of trust among them. We do not attribute this to the body of the people, who are well-disposed, but to particular persons who have infected it with false interpretations of the royal declaration and of the assurance that we gave them of the King's favour should they submit. I say this not in complaint but in assurance of my truth and plainness, and in fulfilment of my promise to you to do my utmost to persuade the people to submission. I can now only await the proceedings of the *quo warranto* and the severity of the law thereupon; but I beseech you on my knees for the King's favour towards the Colony that no severity may be used to spoil the growth of the plantations. The revenue will suffer, and the West Indies are greatly dependent on us. I beg, too, that the King's orders for future settlement may be prefaced by the Royal pardon, assurance of property and indulgence in matters of religion, which will greatly oblige the people to obedience and advance their confidence in the King's grace. *Signed,* Joseph Dudley. *Holograph.* 2 pp. *Endorsed.* Read 9 July 1684. [Col. Papers, Vol. LIII., No. 92, and Col. Entry Bk., Vol. LXI., pp. 205-206.]

May 7.

1671. Report of Lords of Trade and Plantations to the King. Recommending the confirmation of the Court of Barbados for holding pleas of the Crown, established by Sir John Witham in consequence of the daily misdemeanors of disaffected persons and of the great expense of Grand Sessions. [Col. Entry Bk., Vol. VII., pp. 238, 239.]

May 9.

1672. Minutes of Council of Virginia. The case of Robert Beverley was brought up for judgment. It was resolved that the King having pardoned the plant-cutters, and Beverley having made humble and abject submission, his crimes be remitted on his giving good security for future quiet and peaceable deportment. [Col. Entry Bk., Vol. LXXXIV., p. 187.]

May 9.
Port Royal.

1673. Matthew Meverell to Lords of Trade and Plantations. On the 6th instant I seized the ship St. Thomas in Port Royal harbour for trading here contrary to the Act of Navigation, she being a Dutch built ship and her master and owner Spanish. The Attorney-General refused to undertake the case, and the Clerk of the Grand Court refused me process when I presented my information by another counsel. I informed the Captain of the fort under which the ship lay, and Sir Thomas Lynch had notice of my seizure eight or ten hours before she sailed, but refused to see me the whole day. Next morning the ship sailed under convoy of H.M.S. Ruby, Captain David Mitchell. Her cargo is valuable, and her method of trade is vastly prejudicial to the people of Port Royal who have been obliged to lay up five-and-twenty sloops in consequence. I hope to sail for England shortly and lay the matter before you; but Sir Thomas Lynch will render this seizure ineffectual if he can. *Signed,* Matt. Meverell. 1 p. *Endorsed.*

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Recd. 4 Aug. 1684. Read 20 Aug. [Col. Papers, Vol. LIII., No. 93, and Col. Entry Bk., Vol. XXX., pp. 262-263.]

May 12.

1674. Relation of Gerrit van Sweeringen of the settlement of the Delaware by the Swedes and Dutch. The Dutch came to the Delaware in 1648, and called the creek where they landed Whorekill. They made a second voyage and were all murdered, giving their landing-place the name of Murderkill. In 1650 came a third expedition and went as far as New Castle, but finding English families there went as high as they could, and set up a post marked so as to claim the river for the Dutch West India Company. In 1652 some Swedes came out and, asking leave of the Dutch to refresh themselves, drove out the Dutch and took possession of the river, but in 1684 were dispossessed in turn by a ship from Amsterdam. Meantime a ship arrived from Sweden and prepared to attack the Dutch, sailing by stealth up a creek called Schuylkill or hiding creek; but abandoned it and left the Swedes and Dutch to live together. In 1656 another ship was sent from Amsterdam, in which I came, and we took possession of Newcastle. It was not till 1659 that Lord Baltimore protested against our occupation. Two years after, we abandoned the Whorekill. Then in 1664 Colonel Nicolas captured New Amsterdam. Sworn before Henry Darnall, Wm. Digges, Nicholas Sewall, and John Darnall. Signed, G. V. Sweeringen. 9 pp. Printed in *New York Documents*, Vol. III., pp. 342-346. [Col. Papers, Vol. LIII., No. 94.]

May 12.

1675. Journal of Assembly of Virginia. Several Bills read. A Committee appointed to prepare estimates of the cost of the Governor's residence.

May 13.

Two bills discussed. Act concerning escheats passed. Debate on the imposition on imported liquors. Bill for better defence of the country sent up for assent. Debate on rebuilding the State-house.

May 14.

Bills returned with assent of the Governor on proposed amendments. Several amendments offered to the Bill for better defence of the country, most of which were accepted by the House. Several Bills read; that for a duty on imported liquors passed. Divers claims settled.

May 15.

Debate on rebuilding the State-house. Divers claims settled. Several Bills passed, including one for better securing the King's Customs. Message from the Governor declining to assent to the Bill concerning Escheats. Bill for better defence committed. Message from the Governor directing the preparation of a Bill enabling counties and parishes to make byelaws.

May 16

Address to the King on the grievances of the Colony (see July 22). Message from the Governor, that he was concerned to find the House hesitate to reimburse Lord Culpeper for pay advanced at a critical time to the soldiers. Address from the House to the Governor on his amendments to the Bill for defence, and his attitude towards the Bill for Escheats; and another address asking that the Bill as to byelaws of counties may be deferred to

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next Assembly. Message from the Governor proposing the impost on liquor to be extended to all imported liquors, and an increase of the amount imposed. The House accepted his suggestion. The Governor suggested a conference about Indian affairs which was agreed to.

May 17.

Petitions dealt with. Conference on Indian Affairs. [Col. Entry Bk., Vol. LXXXV., pp. 168-190.]

May 13.
Council
Chamber.

1676. Report of Lords of Trade and Plantations to the King. The King of Denmark having sent a new Governor to St. Thomas with orders to dispossess the former Governor, and the Danish envoy having desired that in case Governor Esmit should resist, Sir William Stapleton might have orders to assist him, it is recommended that the requisite orders be sent to Sir William Stapleton accordingly. $\frac{1}{2}$ p. [Col. Entry Bk., Vol. XLVII., p. 117.]

May 13.

1677. The Attorney-General to Mr. Wynne. I received yours with Mr. Randolph's enclosed. I proposed to wait on the Lords this afternoon, but am prevented by several important trials at Westminster. The *quo warranto* was brought against the present members of the Company for usurping to be a body politic, and the process was directed in the ordinary form. A letter was sent from the Sheriffs of London to the master and members of the Company by Mr. Randolph, but the letter was not delivered till after the return of the writ was out. The Sheriffs' principal objection against returning a summons was because notice was given after the return was past. He also raised the question whether he could take notice of New England as out of his bailiwick. I think that the best way to reach them will be by a *scire facias* against the Company to repeal the patent, and upon a *nihil* returned by the Sheriff of London, a second special writ being directed to Mr. Randolph who shall give notice in time before the return of the writ who may make return thereof. Signed, R. Sawyer. Holograph. 1 p. Written below in another hand: And upon two *nihil*s returned by the Sheriff of Middlesex, if they do not appear, judgment will be entered against them. Enclosed,

1677. 1. Edward Randolph to Lord ? Yesterday
 Mr. Ward, a clerk of the Crown Office, who was employed to draw the writ of *quo warranto* against the charter of Massachusetts, told the Attorney-General that he had not inserted the words "Governor and Company" as the Charter directs, so I fear that after all it will not answer its purpose. The Sheriffs of London again object that New England is outside their liberties. The Attorney-General seemed to think that a new writ should be directed to me, and that I should serve it at once on the Corporation, but will consult the Lord Chief Justice. Pray move Mr. Attorney to say what is to be done to make them appear, for so far they refuse. I am ready to return to New England when ordered. Copy. 1 p.

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[*Col. Papers, Vol. LIII., Nos. 95, 95 I., and (without enclosure) Col. Entry Bk., Vol. LXI., p. 199.*]

May 13.

1678. Journal of Lords of Trade and Plantations. Mr. Secretary Godolphin reports that a new Governor has been actually sailed from Denmark with orders to dispossess Governor Esmit. The Danish envoy asked that, in case of Esmit's resistance, Sir William Stapleton might have order to give the new Governor help. Agreed to recommend this to the King.

Several members of the Royal African Company and the agents and other gentlemen of Jamaica attended. The Company pointed out that if the draft Act pass, they are obliged to furnish twice five thousand negroes, and if it be rejected five thousand, which they suppose was not the King's intention. Ordered that the Act be altered so as to acquit the Company of the necessity of the double supply. The Company insisted that they should not be obliged to furnish five thousand negroes in the year unless they were assured that the Act would pass, and offered to furnish three thousand at all hazards within a year of the signification of the King's pleasure. Agreed to recommend that the Company be bound to furnish three thousand in any case, giving security to furnish five thousand if the Act pass.

Sir William Stapleton's and Sir Thomas Lynch's letters announcing the sack of New Providence to be represented to the King.

Ordered, that the whole matter of the complaint of Sir Henry Morgan and others against Sir Thomas Lynch be heard on the 20th instant, and that Captain Morgan be furnished with copies of all papers that have passed concerning it.

Memorandum of documents received. [*Col. Entry Bk., Vol. CVII., pp. 291-295.*]

May 13.

1679. Lords of Trade and Plantations to the King. Recommending that the number of negroes to be supplied by the Royal African Company to Jamaica be changed from five to three thousand (*see No. 1571.*) [*Col. Entry Bk., Vol. I., pp. 115.*]

May 13.

1680. Lords of Trade and Plantations to the King. Reporting the capture of New Providence by the Spaniards. [*Col. Entry Bk., Vol. XCVII., p. 110.*]

May 14.
Nevis.

1681. Sir William Stapleton to Lords of Trade and Plantations. Since my last I am a little better informed of the arrival of Count de Blenac. He came with three men-of-war, and brought recruits for the twelve companies already in the Islands and three companies more for Mariegalante, St. Croix, and St. Christophers. Once in three years, or as often as they are wanted, they exchange and complete the companies. The Count de Blenac is Vice-King, and M. de St. Laurens designs to go with the Intendant, Mons. Begon, to reduce the Spanish part of Hispaniola. The Governor, Council, and Assembly of Antigua have appointed Mr. William Barnes to

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be their Agent in England. I beg you to hear him, as a man well able to give you an account of affairs. I hear from Jamaica that the Francis, Captain Carlisle, is not there, so I conclude he was lost in the storm that struck Barbados—a thousand pities, a brave hopeful young man. The Leeward Islands, where a man-of-war is most wanted, are destitute of so much as a boat to take me from island to island to write my account of them. A fortnight ago the Governor of St. Thomas sent his wife and two sloops to Barbados with what gold and plunder he has. I hear he is in want of provisions, and I hope that they may not furnish him in Barbados. No one shall in the Leeward Islands if I can help it.
Signed, Wm. Stapleton. Holograph. 1½ pp. Endorsed. Recd. 30 July; read 6 Aug. 1684. [Col. Papers, Vol. LIII., No. 96, and Col. Entry Bk., Vol. XLVII., pp. 158-160.]

May 14.

1682. Warrant of Sir Thomas Lynch to the Provost Marshal for the commitment of one Meverell and Abraham Gill for illegal attempt to seize Don Juan Gesnes y Spinola in the ship St. Thomas.
Copy. ½ p. Endorsed. Recd. 3 Sept. 1684. [Col. Papers, Vol. LIII., No. 97.]

May 14.
New Hampshire.

1683. Governor Cranfield to Lords of Trade and Plantations. Since my last the Indians to eastward in Maine have been very disorderly, and have threatened to kill the English and burn their houses, which gives us and the neighbouring Colonies great fear of another Indian war. I wrote to the Governors of the several Colonies to send to the principal Chiefs, which are called Sagamores, to know the reason of these threats, and to tell them that if any wrong had been done them the English would give satisfaction and use all methods to preserve peace and amity. I hope this has been done by the other Colonies as well as our own, for we have a good understanding with the Indians that inhabit among us, but notwithstanding this the Governor of Massachusetts and myself have thought fit to ask Colonel Dongan for the assistance of the Marquas and some of the Southern Indians (who know their skulking way of fighting and are always at war with them) in case of a war. Mr. Boston and Mr. Shrimpton were sent from Boston on that errand, and I myself went in person. We found ready compliance from Colonel Dongan, but I hope that it will all blow over and that peace will continue; and, although peace is the interest of all the Colonies, it especially concerns us to pray for it, for we have not twopence in the Treasury, nor one farthing paid since my arrival, though I have pressed earnestly on two Assemblies for money for the support of the Government. But the influence of Moody, Vaughan, Walderne, and Elliott was too strong. I recommended Elliott to you lately as a fit person to serve the King, but I find that I was as much mistaken in him as I was in others of whom I saw the outside only when I first came. It is their way to insinuate themselves artfully only to get the better opportunity of thwarting the King's Government. He not only betrayed the secrets of the Council, but disturbed its proceedings

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in matters relating to navigation, he being a great shipowner; so I was compelled, with the Council's advice, to suspend him till your pleasure be known. I recommend Mr. Francis Champernoun and Mr. James Sherlock in place of him and of Mr. Nathaniel Fryer, who is gone to live in the other province. I have said so much about ministers in former letters, but I cannot omit to report to you the insolent speeches of Mather, the minister of the North Church at Boston, and Mr. Nowell, one of the magistrates, concerning the declaration sent by the King with the *quo warranto*. They told the people that their inheritance which God had given them was like to be taken away like Naboth's vineyard, and excited them to arms to defend it, putting them in mind that David, when he sinned, preferred to fall into the hands of God rather than of man. I hear also that a minister of Boston declared Hugh Peters was unlawfully put to death and died a martyr. The same spirit prevails here. There are affidavits of speeches to the effect that the King knew nothing about the coming of myself and Mr. Mason hither, but that we were sent by the Duke of York, and that we are dogs for acting by such a power. Such virulent and malicious speeches of the ministers poison the minds of the ignorant people, and while they are allowed to preach there will be no allegiance here. Mr. Bernard Randolph, his brother's deputy, is dead. Having observed myself that Canary wines and French commodities are more plentiful in Boston than ever, I think it absolutely necessary for the vacancy to be filled. It is my humble opinion that the Church of England should be established and the ministers here silenced, and that the maintenance upon the regulation both of officers and ministers should depend wholly on the King. This cannot be better done, without burdening the Crown, than by continuing the taxes, customs, and other impositions they have made; for I assure you that there is such a canker among the generality of the people that it will take a long time to accomplish it by Assemblies. *Signed*, Edw. Cranfield. *Holograph*. 2 pp. *Endorsed*. Recd. 13 Aug. '84. Read 29 Nov. '84. *Annexed*,

1683. I. Francis Hook to Walter Barefoot. The Captain of the fort at Casco has sent to me for ammunition. He has strong suspicions of an attack by Indians, who are instigated by one Casteen, a Frenchman, by whom they have been promised a shipload of goods. They intend to attack Pemaquid Fort first, and Medockawanda, a great Sagamore, married to Casteen's daughter, is said to be the chief person. The attack is expected in a month. *Dated* 11th February 1683. *Copy*. $\frac{1}{2}$ p. *Endorsed*. Recd. 13 Aug. '84.

1683. II. Anthony Bracket to Major Davis. I did not write you all I heard from my friend, lest the province should be set in an uproar, and the Indians hear of it and kill him for betraying their plot. Three men came to me from the Kennebec to know what they should do to secure themselves against the Indians. I could not answer, not knowing what the province would do, and being only six

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or seven families ; so they resolved to come into our town with all speed. There are ten Indians gone to Canada, for ammunition as is supposed ; they have been gone ten days, and are expected back from Quebec in ten days more. Mr. Gendall also has had a token left at his house by an Indian, warning him to fly with all speed. The men told me that the Captain of Pemaquid Fort has sent for Medockawanda, to ask him why he is again raising insurrection, and has sent him word that if he does not come he will fetch him, which I fear is more than he can do. Mocces, a Kennebec Sagamore, reports that all his men have left him, and that he has no control over them. He is gone to Pemaquid Fort. *Dated* Fort Loyal, 23rd February 168 $\frac{3}{4}$. *Copy.* 1 p. *Endorsed.* Recd. 13 Aug. '84.

1683. III. John Allen and Lawrence Dennes to Anthony Bracket. We have taken it into consideration to send two Indians to Naconick to bring in all the Sagamores there or elsewhere that may be found, and the Indians are bound to return with them or their answers on the 8th instant to Fort Pemaquid. We have also sent the Sagamore Moxes with an Englishman with him east to summon us Casteen and Medockawanda or their answers concerning their treacherous dealing with the English. They are to meet at the same place, and we shall not fail to tell you of the result. We beg you to send speedily for the Sagamores of your parts and bring them to a strict examination ; and to inform us of your proceedings. *Dated* Sagadahock, March 3, 1683/4. 1 p. *Endorsed as foregoing.*

1683. IV. Francis Hook to Governor Cranfield. I have news of an alarm of an Indian attack from Casco and Cape Porpoise. At Casco the inhabitants have laid aside all business to strengthen their defences. The Indians have lately robbed an Englishman's house, and declared their intention of killing all the English. *Dated* March 11. 168 $\frac{3}{4}$. *Copy.* $\frac{1}{2}$ p. *Endorsed as foregoing.* [Col. Papers, Vol. LIII., No. 98, 98 I.-IV., and (letter only) Col. Entry Bk., Vol. LXVII., pp: 111-113.]

May 14. 1684. Governor Cranfield to Sir Leoline Jenkins. I have New Hampshire. received the draft of the Jamaica Act against privateers. I have no money for pirates. I hope that some in authority at Boston may not have too much overlooked the punishment of several privateers that have frequented that port. I am told that those who sacked Vera Cruz put several women and children on an island to starve because their husbands could not ransom them. They boasted of this at Boston, as I am told by one who heard several of them publicly discourse of their cruelties. Unless you favour me with some employment I am ruined, for I have spent on my duty in the Government all the money paid me for my place at Whitehall.

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Signed, Edw. Cranfield. Holograph. 1 p. Endorsed, R. 12 Aug. Presented 30 Sept. '84. [Col. Papers, Vol. LIII., No. 99, and Col. Entry Bk., Vol. LXVII., p. 110.]

May 15.

1685. Order of the King in Council. Confirming the Barbados Court for holding pleas of the Crown, with the limitation that no trial or prosecution be held in that Court without leave of the Governor and Council. [Col. Entry Bk., Vol. VII., p. 239.]

May 15.

1686. Order of the King in Council. That orders be sent to Sir William Stapleton to assist the New Governor of St. Thomas as desired (see No. 1676). [Col. Entry Bk., Vol. XLVII., p. 118.]

May 15.

1687. Order of the King in Council. That the number of negroes to be supplied by the Royal African Company to Jamaica within a year be altered from five thousand to three thousand. [Col. Entry Bk., Vol. I., pp. 116, 117.]

May 15.

1688. Order of the King in Council. That the King of Spain be written to for the restitution of New Providence and satisfaction for the damage done. [Col. Entry Bk., Vol. XCVII., p. 110.]

May 15.

1689. Minutes of Council and Assembly of Antigua. The King's order of 19th December 1683 for repeal of the Act of Extent read, and the Governor's announcement of the same dated 14th April. [Col. Papers, Vol. XLIX., No. 81.]

[May 16.]

1690. The Governor of Cartagena to Sir Thomas Lynch. Complaining of the conduct of the captain of the convoy for carrying away money belonging to the Assiento of Curaçoa. *Copy. Spanish. 1½ pp. Inscribed and endorsed.* Recd. 16 May 1684 (see ante, p. 596). [Col. Papers, Vol. LIII., No. 100.]

[May 16.]

1691. Copy of a Commission of the Governor of Havanna to Augustin Alvarez against pirates. *Translation. 13 pp. Endorsed.* To Augustin Alvarez, who took the Jew off Curaçoa. Recd., 6 May 1684. [Col. Papers, Vol. LIII., No. 101.]

May 19.

1692. Minutes of Council of Jamaica. Order for the Assembly to be prorogued to 15th October unless sooner called. The Governor announced that the King had renewed permission for the Spanish negro trade to be carried on, but that one Meverell and Gill had endeavoured to hinder that trade. Meverell was called in, and in reply to questions said that Mr. Elletson was his counsel, and that he had acted by his opinion. Gill was called in to whom the Governor represented the illegality of his action. He pleaded Mr. Elletson's opinion, and was ordered to withdraw. The Council resolved that the action of Meverell and Gill was malicious, and ordered them to be committed to custody till they should give security for good behaviour. Mr. Elletson's opinion, by which they had been incited, was then read, and he was like-

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wise bound over to good behaviour. Order for the prosecution of the offenders when the Assembly shall meet. Adjourned *sine die*. [Col. Entry Bk., Vol. XXXVI., pp. 36-39.]

May 19.

1693. Minutes of Council of Virginia. Secretary Spencer presented a letter written by Captain Thomas Smith of his treatment by Lord Baltimore's officers in the Potomac. Ordered, that it be represented to the King how grievous to the Colony and destructive to trade in the Potomac such proceedings must be. [Col. Entry Bk., Vol. LXXXIV., p. 183.]

May 19.

1694. Journal of Assembly of Virginia. Report of the Conference. Address to the Governor on the complaint of inhabitants of Lower Norfolk respecting the encroachments of Carolina, praying that the boundaries may be settled. Bill for impost on liquors returned by the Governor and Council with proposed amendments. Message from the Governor respecting the Bill concerning escheats.

May 20.

Address to the Governor, defending the refusal of repayment to Lord Culpeper by combating his right to receive quit-rents. Bill for escheats again re-drafted and sent with a message to the Governor. Messages from the Governor respecting the Act for co-habitation, and the Bill of escheats.

May 21.

Message from the Governor and Council combating the arguments of the House against the right of Lord Culpeper to receive quit-rents. Resolved, that the message is not a full answer to the reasons adduced by the House. Message from the Governor. I cannot pass your address to the King as it stands, for the request concerning appeals, that none shall lie to the King unless the sum at issue be 500*l.*, seems to me excessive. Alter the 500*l.* to 300*l.* and the Council and I will join you. Again, your request that your laws shall remain in force until repealed by the General Assembly is an entrenchment on the royal prerogative. If you will ask that laws of which the King disapproves may be suspended only till the Assembly's reasons are heard, we will join you. We agree to the rest of the address. Resolved to pay the sum claimed by Lord Culpeper to his agent. The Bill for an impost sent up to the Governor and assented to. Several claims settled.

May 22.

The congratulatory address to the King, and the other address, partly amended as the Governor suggested, taken up to the Governor. The contract for building the Governor's residence approved. Resolved, that the grant of any lands escheating to the King to any other than those who have right thereto, is a breach of the Royal Charter and a grievance to the Colony. Address to the Governor. We think 20,000 lbs. of tobacco not an excessive salary to the Clerk of Assembly, who has more work than the Clerk of the General Assembly, who is little more than Clerk of the Council. Message from the Governor reminding the House that the Attorney-General's four years' service is still unconsidered, and that the salary voted for him is insufficient for his expenses, and much less than given to the Clerks of Committee. As to the

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salaries of the Clerks of Assembly and General Assembly, if that of the latter is not raised, it will be necessary, in common justice, to reduce that of the former. It is time to settle these small matters and close the Assembly. The Assembly proposed a conference, after which the House resolved that the Clerk of the General Assembly was sufficiently paid, and that the Attorney General ought not to be paid out of the poll-levy.

May 23. Message from the Governor. I am disappointed at the result of the conference, and did not expect these delays. The Clerks of Assembly and General Assembly should be paid alike. I expect your compliance also respecting the Attorney-General. A second message from the Governor. You have not altered the address to the King, except by substituting 300*l.* for 500*l.* in the matter of appeals. Unless you alter it as I suggested to you, I shall set it altogether aside. Address from the House. We have duly weighed your suggestions, and think that we cannot recede without betraying our trust to the country. The Governor suggested a conference. The House resolved that it is its undoubted right to represent the state of the country to the King by address. Message from the Governor, passing the salaries to the clerks, but intimating that he should take care that the case should not be made a precedent. Resolved, that the address to the King be presented in the name of the burgesses only.

May 24. Five members fined 1,000 lbs. of tobacco each for leaving James City without leave. Bill for public levy read three times. Order fixing the bounds of James City. Message from the Governor, refusing to pass this order, but intimating readiness to pass it as an Act. Assembly dissolved. [Col. Entry Bk., Vol. LXXXV., pp. 190-217.]

May 20. 1695. William Righton to Francis Burghill. Every day produces new complaints against Mr. Cony, the Company's Governor. He beats them and abuses them, and imprisons them when they come to him for justice. He has forbidden the inhabitants to yield obedience to their military commanders, and has the keys and custody of what little ammunition there is in the country. He will not trust the country with a jot of powder, but they must come to him for it, insomuch that if war and invasion come the country must be taken before the inhabitants can put themselves in a state of defence. The country knows him to be miserably poor, and so much given to drunkenness, swearing, and lying, that there is not a spark of respect for him. The people have refused to raise money for him, and will not allow him daily to make a prey of them, as he began to do. They give out that if he do not demean himself in some proportion to his place and trust, so that the safety of the plantations and the liberty and property of the inhabitants may be secured, and some reformation be made to render his government tolerable, they will lay him aside and put in a wiser man. I am afraid that some such thing will soon come to pass, for he grows worse every day I am told that, when the Governor saw the articles that I proffered against

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Durham, he swore before God that Durham spoke nothing but the truth. *Holograph.* 1 p. Addressed. [Col. Papers, Vol. LIII., No. 102.]

May 21.

1696. Journal of Lords of Trade and Plantations. The complaints of Sir Henry Morgan and others against Sir Thomas Lynch. Counsel on each side attended, but several important papers being wanted the matter was put off. Sir Thomas Lynch's letter of 15th May read, reporting the difference between the Governor of Cartagena and the Assiento, and taking notice of the restrictions put on him by the Admiralty. Agreed to investigate and settle the jurisdiction of the Admiralty in Jamaica on Tuesday next, the King's Law Officers, the Duke's Advocate, Sir John Werden, and Mr. Pepys to attend. Sir Thomas Lynch's letter complaining of the reception given to pirates in Carolina. An extract thereof is to be sent to the Proprietors for their reply. [Col. Entry Bk., Vol. CVII., pp. 296-299.]

May 21.

1697. William Blathwayt to Lord Craven. Transmitting Sir Thomas Lynch's account of privateers at Carolina for his observations. [Col. Entry Bk., Vol. XCVII., p. 107.]

May 22
Virginia.

1698. Address of the House of Burgesses of Virginia to the King. Some of our inhabitants have lately been bound over to answer the determination of your Majesty in Council for matters of *meum* and *tuum* arising here. We represent to you how hard and ruinous this must be, for it seems hardly possible to clear up all facts and evidence so that others may not be introduced, to the loss of the cause and the ruin of the parties by the delay and the costs. We cannot find that such causes used ever to be moved from the Colony. The system hitherto has been to appeal from County Courts to General Courts, and from General Courts to the General Assembly; and the causes so determined have always given satisfaction. But if you ordain that appeals shall go to England, we beg that they may not lie for matters under the value of 300*l.*, and that sufficient security be first given for costs and damages in case the judgment be affirmed. Again, twice as much accrues to your revenue from our staple manufacture of tobacco as to ourselves. In spite of the hardship and danger to which we are exposed in this distant country, we do not enjoy so much of your favour as many lesser corporations. Of late, several of our Acts and Statutes have been voided by proclamation, without consulting your General Assembly here, contrary to an Act No. 88 and to established usage. We beg you to continue that usage, and to grant that our laws may remain in force until repealed by the General Assembly, or at least until you have heard our reasons for making them. Again, we are greatly distressed by the low price of tobacco, and reduced to such poverty that we can hardly bear the expense of our defence against Indians. Rapine, robbery, and affronts are daily committed by them, which we are forced to submit to dishonourably, to the reproach of Englishmen and the great encouragement of the enemy. They have slaughtered our hogs and cattle, less we believe

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from hunger than from contempt of our poverty and wish to provoke us. We have suffered the friendly Indians, our outguards and intelligences of the approach of foreign Indians, to be cut off, not interfering until quite lately, though bound thereto by treaty. And though our late Governors were not blind to the danger, and our unfitness to meet it, and our present Governor gives us good proof and assurance of his anxiety for our protection, yet we beg you to consider that the present settlement of but thirty horsemen at the heads of each of the four great rivers, though not sufficient to engage any great body of Indians in case of war, will cost us five hundred thousand pounds of tobacco annually, which, after all, is the least of our burdens; all of which, when amassed together, will make it impossible to endure the cost of a war without your precious help. We acknowledge with great thankfulness the remission of the quit-rents for several years, and we were assured in 1677 that none were to be demanded for twenty-one years. But, nevertheless, the quit-rents have been demanded, by whose authority we know not, and we beg that this branch of your revenue may be applied to the defence and other public uses of the Colony. We thank you for the Bibles for our churches, which, however, were insufficient, and beg you of your favour to supply enough for seven more parishes. *Signed*, Edw. Hill, Speaker. $2\frac{1}{2}$ large sheets. *Endorsed*. Recd. at the Committee. 8 Nov. '84. [Col. Papers, Vol. LII., No. 103.]

May 22. 1699. Duplicate of foregoing similarly endorsed. [Col. Papers, Vol. LIII., No. 104.]

May 23. 1700. Governor Cranfield to Sir Leoline Jenkins. I beg you New Hampshire. to press their Lordships for a speedy resolution on my letter to them, for I can no longer uphold the King's interest here without a frigate to second me. You may rely on me to deal with pirates after their demerits. Pray send me as soon as possible the King's letter to permit me to go to Jamaica or Barbados for my health, which has suffered much from the severity of the cold. *Signed*, Edw. Cranfield. $\frac{1}{2}$ p. *Endorsed*, Recd. 30 July 1684. Read 6 Aug. [Col. Papers, Vol. LIII., No. 105, and Col. Entry Bk., Vol. LXVII., p. 114.]

May 23. 1701. Governor Cranfield and the Council of New Hampshire New Hampshire. to Lords of Trade and Plantations. Robert Wadleigh is returned from England, having lately had an appeal dismissed by the Council Board, having taken advantage of Mr. Randolph's absence who was counsel for the other party. His return has thrown the people into such ferment and disorder that it is impossible to govern them. Though in obedience to your orders we have called an Assembly, we have not thought it prudent or safe to let them sit, for they are of the same humour or worse as when Gove took up arms, which matter was hatched during the session of Assembly. Their conduct is the more suspicious since they have chosen four constables into the Assembly, that the King's peace may not be preserved, the whole number of the Assembly being but eleven. This Wadleigh

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was formerly an Assembly-man and is now chosen again, having had three sons condemned in Gove's rebellion. The eldest son I have pardoned, one of the others is dead, and the third I keep in prison pending your orders. Waldern's son is always of the Assembly and Speaker of this, the third assembly. I hope the King's clemency may not be of ill-consequence. They will not vote twopence for the support of the Government, and the very rates of Cutt's and Waldern's time have been continued by us according to the Royal Commission, but we do not think it safe to publish it having no strength to countenance our proceedings. *Signed*, Edw. Cranfield, Rob. Mason, Walter Barefoot, Rich. Chamberlain, John Hincks, James Sherlock. *Endorsed*. Reed. 30 July 1684. *Annexed*,

1701. I. Proclamation of the Governor of New Hampshire for calling an Assembly. *Dated* 16 May 1684. *Copy*.
 1 p. *Endorsed*. Recd. 30 May 1684. [Col. Papers, Vol. LIII., Nos. 106, 106 I., and (letter only) Col. Entry Bk., Vol. LXVII., pp. 114–115.]

[May 24.] 1702. Acts passed in Virginia during the Session 16th April—24th May 1684.

1. Act for altering the time of holding General Courts.
2. Act for better preservation of the peace.
3. Act repealing the Act concerning pursuit of runaways.
4. Act for better supply of arms and ammunition.
5. Act repealing Acts 42 and 43, and for building prisons.
6. Act to repeal the Act for encouraging manufacture of linen.
7. Act for better defence of the country.
8. Act for lessening the levy by poll, and for an impost on liquors.
9. Act for the public levy.

Copies. Certified by Tho. Milner, Cl. Assembly. [Col. Entry Bk., Vol. LXXXVII.]

May 24. 1703. The King to the Governor of Virginia. Ordering the issue of a warrant for the payment of 700*l.* to Lord Culpeper out of the duty of two shillings a hogshead. *Countersigned*, Rochester, J. Ernle, Ste. Fox. [Col. Entry Bk., Vol. LXXXII., pp. 280–281.]

May 24. 1704. Journal of General Assembly of Nevis. The Assembly requested that no steps should be taken as to building a fort at Long Point for the present. [Col. Papers, Vol. LII., No. 4.]

May 24. 1705. Pass granted to Edward Randolph on his return to New England. *Countersigned*, Sunderland. *Copy in Randolph's hand.*
 1 p. *Endorsed*. [Col. Papers, Vol. LIII., No. 107.]

May 26. 1706. Nicholas Spencer to Sir Leoline Jenkins. I had hoped that the Assembly would have had all the proceedings that I wrote of in my last in readiness, but it has sat longer than we expected,

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and we have not yet had time to transcribe the laws for transmission. The Governor's anxiety to pass some bills of moment caused him to yield to the arguing away of some time that might effect the desired ends. Such bills were, one to impose a duty on imported liquors, and one to establish a fixed guard at the heads of the rivers, and advance for any additional men that the Governor may have occasion to raise. The first Bill improves the King's revenue, and the second is a great security to the Government. All is quiet and peaceable, though we have occasional disquieting alarms from foreign Indians; but we hope that the force established by the new law may suffice to secure us, or at least to check the enemy till additional forces can be raised. We daily expect the arrival of the ketch of war which the King has graciously appointed for us.
Signed, Nicho. Spencer. *Holograph*. 2 pp. *Endorsed*. Recd. 30 Sept. 1684. [Col. Paper, Vol. LIII., No. 108, and Col. Entry Bk., Vol. LXXXII., pp. 290, 291.]

May 27.

1707. Earl of Craven to Lords of Trade and Plantations. I have read what Sir Thomas Lynch has written you about the reception of privateers at Carolina. On inquiry I learn that one Jacob Hall did touch there to wood and water on his way from Vera Cruz, but he did not belong to the place, and had no inhabitants of Carolina with him. After a very few days' stay he sailed for Virginia. Hall acted under Vanhorn, who had a commission from the French, and the King's order that his subjects should not receive commissions from foreign princes, being not known in Carolina accounts, I conceive, for his not being secured. I never heard of but one more there, and he, having no commission, was indicted, found guilty and was executed, he and his two principal accomplices being hung in chains at the entrance to the port, where they hang to this day. At Providence, which Sir T. Lynch has complained of before now for harbouring pirates, all imaginable care was taken to suppress them, and no attempt upon the Spaniards was made except by the instigation of a person whom Sir Thomas Lynch had sent to take pirates. We have sent to Carolina the King's proclamation of neutrality and against pirates, and I doubt not but that a law like that of Jamaica against pirates will be speedily passed. *Signed*, Craven. 1 $\frac{1}{4}$ pp. *Endorsed*. Recd. 27 May 1684. *Annexed*,

1707. I. Governor Lilburne to the Lords Proprietors of the Bahamas. In March 1683 one Captain Thomas Paine, with a ship of eight guns and sixty men, was at the Bahamas, with a commission from Sir Thomas Lynch to take pirates. He met there Captain Conway Woolley, Captain Markham, John Cornelison, commander of a brigantine from New York, and Brashaw, a French privateer, who was waiting to fish for silver from a Spanish wreck. The four entered into a conspiracy to take St. Augustine's, and listed themselves under Paine. They landed under French colours, but finding the Spaniards ready for them abandoned St. Augustine's and

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plundered some small places round. Paine, Markham, and Brashaw came to Providence, where the Governor attempted to seize Paine's and Markham's ships, but failed for want of a force. Paine then went wrecking, but a strong ship coming in shortly after the Governor manned it and went off to the wreck himself, but Paine and the rest had already sailed. The Governor on this represented to the Council the danger of allowing these weak islands to be made a place for pirates to assemble in and start from in their depredations against the Spaniards. He then made an Order in Council that all masters of vessels coming with men over and above their sailing company should, within twenty-four hours, give security that neither he nor any of his men would supply pirates in or near the Colony. A captain who came out shortly after, and refused to give this security, was imprisoned, since which all others have quietly complied. The Spaniards still take English vessels wherever they meet them, and are strong enough to do it. There are also many pirates whom the Governor is powerless to suppress without a man-of-war, and he begs for a man-of-war lest the pirates should seize upon some place and make it a second Algiers. *Evidently abstracted from several letters. 2 pp. Endorsed. Recd. from the Earl of Craven, 27th May 1684. [Col. Papers, Vol. LIII., Nos, 109, 109 I., and (letter only) Col. Entry Bk., Vol. XCVII., pp. 111-113.]*

May 27. 1708. Journal of Lords of Trade and Plantations. Petition from William Freeman read complaining of a threatening letter received from Sir W. Stapleton (*see next abstract*).

Acts of Barbados for the better regulation of tickets from the Secretary's office, for settlement of the Militia, and for raising money for the fortifications read and approved. [*Col. Entry Bk., Vol. CVII., pp. 306-308.*]

[**May 27.] 1709.** Petition of William Freeman to Lords of Trade and Plantations. Prays for relief, and for hearing of his case. Sir William Stapleton will not answer the petition as he was ordered, but writes letters to the petitioner full of scurrilous language and threats (*see No. 1522*). 1 p. *Endorsed.* Read 27 May. [*Col. Papers, Vol. LIII., No. 110.*]

May 27. 1710. William Blathwayt to Mr. Trant. I enclose you a petition from William Freeman. You will deliver all papers now in your keeping on the matter to my Lords within five days, that copies of them may be given to Mr. Freeman. You will receive copies of his papers likewise. [*Col. Entry Bk., Vol. XLVII., p. 130.*]

May 28. 1711. Journal of Lords of Trade and Plantations. On the question of the jurisdiction of the Admiralty it is thought fit that the Attorney-General prepare a draft commission for the consti-

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tution of an Admiralty Court in Jamaica, and the draft of a law to the same effect. It is also thought fit that when King's captains take British subjects from on board foreign ships or from foreign ports, &c., those subjects shall be victualled as other seamen, and the captain allowed for the same. Memorandum of documents despatched and received. [Col. Entry Bk., Vol. CVII., pp. 300-303.]

May 28. **1712.** Order of the King in Council. That Sir Robert Sawyer, Attorney-General, prepare a draft commission for an Admiralty Court in Jamaica, with power of proceeding therein according to the maritime law as practised before the Statute of 28 Henry VIII., also that he prepare the draft of a law to the same effect to be passed in the Assembly of Jamaica. *Signed*, Phi. Lloyd (see ante, No. 1578). *Endorsed*. Draft prepared and read 23 July 1684. 1 p. [Col. Papers, Vol. LIII., No. 111, and Col. Entry Bk., Vol. XXX., p. 235.]

[May 28.] **1713.** Draft of the foregoing, with corrections, in the handwriting of William Blathwayt. [Col. Papers, Vol. LIII., No. 112.]

May 28. **1714.** The King's Warrant to Sir John Witham to be first Councillor, and President during the death or absence of the Governor of Barbados. *Countersigned*, Sunderland. 1 p. [Col. Entry Bk., Vol. VII., pp. 242, 243.]

May 28. **1715.** Minutes of Council of Jamaica. The Council declared, in answer to the Governor, that he had undoubted right to call a special Court, his power to do so having been denied by Mr. Gill. The Council supported the Governor in his action respecting Porcio's Servant, St. Jago de Castillo. The King's orders confirming the proceedings towards Sir Henry Morgan and others read (see No. 1565), also Colonel Molesworth's commission as Lieutenant-Governor. Mr. Gill was called in and rebuked for refusing a special Court to decide his differences with the Spaniard. Mr. Bancks was called in, and asked to prove the wrong which he alleged to have been done him by the Governor. He was heard; after which the Council directed that he should be removed from the Commission of the peace, and the Governor said that he should refer his scandalous reflections upon himself to a judge and twelve honest men. Adjourned *sine die*. [Col. Entry Bk., Vol. XXXVI., pp. 40-43 and 46-50.]

May 28. **1716.** Matthew Meverell to Lords of Trade and Plantations Mr. Abraham Gill, one of my principal witnesses as to the seizure of the ship St. Thomas, would have sailed for London by the same fleet that carried this letter, but was refused a ticket by Sir T. Lynch, though he had complied with the law. On the 15th I was taken into custody, and on the 16th Mr. Gill, but I hope none the less to prove the breach of the Navigation Acts. Sir Thomas Lynch, in a letter to a gentlemen at Port Royal, owned that he had

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20,000*l.* of goods on board the sloop, and I believe I can prove near 10,000*l.* more, which at 43 per cent. amounts to a considerable sum without further hazard than the safe return of H.M.S. Ruby. Since this trade has sprung up few planters can buy a negro from the African Company or interlopers. *Signed*, Matt. Meverell. 1 *p.*
Inscribed, Recd. 3 Sept. 1684. [Col. Papers, Vol. LIII., No. 113.]

May 30.
St. James's.

1717. Sir John Werden to Governor Dongan. The enclosed will show you the King's resolution to maintain the privileges of the Hudson's Bay Company. You will be careful to suffer no interlopers to be encouraged in those parts. [Col. Entry Bk., Vol. LXX., pp. 48.]

May 31.

1718. Sir Thomas Lynch's overtures to the pirate Laurens. Sir Thomas promises a pardon for all offences and naturalisation as an Englishman; but Laurens must take the oath of allegiance and buy a plantation in Jamaica. Sir Thomas will also procure the necessary letters for the safe-conduct of his wife from the Canaries, provided Laurens pays the fees and the expenses of the passage, and he will also procure him the King of Spain's pardon. *Rough précis*. *Inscribed*, Recd. 15 Aug. 1684. 1 *p.* [Col. Papers, Vol. LIII., No. 114.]

[June 2.]

1719. Information of Henry Tucker of Bermuda of the taking of New Providence by the Spaniards. A meagre hearsay account. 1½ *pp.* *Endorsed*, Recd., from Sir W. Stapleton, 2 June 1684. [Col. Papers, Vol. LIII., No. 115.]

June 3.

1720. Commission of the Lords Proprietors of Carolina to Robert Quarry to be Clerk of the Crown and Peace for the province lying south and west of Cape Fear. *Signed*, Craven, Bath (for Lord Carteret), P. Colleton.

Commissions issued on the same day to Francis Harly to be Secretary of the north part of Carolina, and to Timothy Biggs (by Sir Peter Colleton) to be Surveyor-General of the same. [Col. Entry Bk., Vol. XXII., p. 35.]

June 3.

1721. Thomas Amy, a proprietor of Carolina, to Robert Quarry. Appointing him his deputy in the province south and west of Cape Fear.

Similar deputations given by Lord Albemarle to Colonel John Godfrey and by Sir Peter Colleton to John Moore. [Col. Entry Bk., Vol. XXIX., p. 29.]

June 3.

1722. Lords Proprietors of Carolina to Governor Sir R. Kyrle. We sent you by last ship your supplementary instructions, and the King's order for passing an Act against privateers. You will see that the latter is observed, for several lewd persons of various nations have got together in America and commit piracies on the King's subjects. They may try to use some port in Carolina where they are not known. In that case you will do your best to seize

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them and inform us, for it will be a very acceptable service to the King. And since a Governor cannot always be in Charlestown and the town is liable to surprise by pirates (as lately happened at Providence), we desire you to commissionate a regular Governor for Charlestown to be responsible for its defence in your absence, with power to call out the militia. We have chosen Robert Quarry for this post, but we leave it to you to commissionate him that he may be the more subject to you. We have since the 10th May sent several fresh instructions concerning land-grants to Governor Moreton, of which we send you copies. We find that the people have assumed to themselves a power to choose new members for the Grand Council as often as they please. This is not right, and must not be permitted in future. When you shall have informed us that those now in Council of the people's choice misbehave themselves, and that by the accession of many worthy men to the place the people may have men to choose that are better qualified than the present Council, we shall take care to appoint a time for a new choice with sufficient notice for all. Some evil men have of late made a trade of enslaving and sending away the poor Indians, for which purpose unjust wars have been made on them and many other ill things done. We desire you to read and execute our orders of 30th September 1683, for we find that our directions have not been obeyed. We find that Mr. Mathews, the Surveyor-General, has been the ringleader, and we therefore order him to be dismissed from his office, and a new Surveyor appointed; and we think right also for the King's honour that he be dismissed for all employment whatever. We have sent deputations for Colonel Godfrey and Mr. Barnard Schenking to take the place of Mathews. You will report to us if the deputations have been delivered to them. We did not mean in our letters of 30th September that Parliament should licence the transporting of Indians bought of other Indians, nor will you permit it, for it is only an encouragement to keep those poor people at war with each other. We learn that some evil-minded persons have been persuading the people that they would find ways to avoid the payment of the rent of a penny per acre. We grant land by indenture on purpose that people, seeing plainly how they stood, might not hearken to such fancies. We mean all that is fair to the people, but we will not have our land disposed of but in our own way. You will therefore pass no grants for land whereon the penny per acre is reserved except by way of indenture, the grantee to sign the counterpart. And if any man desires not to be encumbered with a rent, we will at any time remit it on payment of twelvepence an acre, and give him such release as he thinks fit. We desire that you will enquire into the qualifications of magistrates, dismiss the unfit, and fill their places with men of good principles. We instructed Governor Moreton, in view of the importance of the Secretary's and Surveyor's offices not to consent to any diminution of their fees without our leave. He had, however, done so before the order came to his hands. The Act will expire in two years, and you will take care that it is not

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renewed, and that no similar Act is passed. We have often recommended the building of towns to the people, but in vain; we now recommend the same thing to yourself. One or two villages would suffice to show the convenience of it. We desire your report also as to your measures for putting the place into a state of defence. We are informed by everyone that Charlestown is unhealthily situated and has no good water, and that all people landing there fall sick. You will search out another site for a port town on Cooper River and reserve it for the purpose pending instructions from us. We formerly prohibited the cutting of any cedar on land not granted by us, but the order having been given to Mr. Mathews has, we doubt not, been well looked after. You will see that it is observed. *7th June.*—Since writing the above we have received an Act to stop the prosecution of foreign debts. It is very unjust, and exceeds our powers. This shows the necessity of filling the posts of judicature with men of good principles. Let this be your first care, and in particular remove the sheriff of Berkeley County, of whom we hear a very ill character. We have, we believe, chosen good men, but if you know of better we will send deputations for them. [Col. *Entry Bk.*, Vol. *XXII.*, pp. 30-33.]

June 4.

1723. Journal of Lords of Trade and Plantations. The Address of the Island of St. Christophers to the King, and Mr. Jeaffreson's petition as to malefactors read (*see post No. 1729*). The Lords agreed on their report (*see June 11*). Sir William Stapleton's answer to the petition of William Freeman read. A copy to be supplied to Mr. Freeman. Freeman's petition with Sir William Stapleton's threatening letter read. A copy to be sent to Sir W. Stapleton.

Memorandum of documents despatched and received. [Col. *Entry Bk.*, Vol. *CVII.*, pp. 303-306.]

June 4.

1724. Minute from William Blathwayt, ordering copies of Sir W. Stapleton's and Mr. Bramley's answers to be sent to William Freeman. [Col. *Entry Bk.*, Vol. *XLVII.*, pp. 130.]

June 4.

1725. William Blathwayt to Mr. Trant. Respecting the delivery of copies of papers, that are to be produced in evidence, to William Freeman. [Col. *Entry Bk.*, Vol. *XLVII.*, p. 131.]

[June 4.]

1726. Answer of Sir William Stapleton to the case and petition of William Freeman. Defending himself point by point against the charges of injustice and oppression, and denying Freeman's statements. *Signed by P. Trant by Sir William Stapleton's order.* $4\frac{1}{2}$ pp. *Endorsed.* Read 4 June 84. [Col. *Papers*, Vol. *LIII.*, No. 116, and Col. *Entry Bk.*, Vol. *XLVII.*, pp. 121-127.]

[June 4.]

1727. Petition of John Bramley to Lords of Trade and Plantations. His defence against the charges of William Freeman. *Broad sheet.* [Col. *Papers*, Vol. *LIII.*, No. 117.]

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- [June 4.] **1728.** Address of the Governor, Council, and Assembly of Montserrat to the King. Congratulating him on his deliverance from the Popish plot. *Signed*, Rd. Stapleton.

Assembly.

Thomas Symmons.
Geo. Liddell.
Andrew Booth.

Patr. Hughes.
John Davis.
Lucas Garney.

Council.

Thomas Nugent.
John Blake.
Edw. Read.
Nicho. Meade.

John Symes.
Jno. Bramley.
Wm. Fox.
Jo. Devereux.

1 p. *Endorsed.* Recd. 4 June '84. [Col. Papers, Vol. *LIII.*, No. 118, and Col. Entry Bk., Vol. *XLVII.*, pp. 138, 139.]

- [June 4.] **1729.** Petition of Christopher Jeaffreson to Lords of Trade and Plantations. On the reading of a recent petition from me for malefactors for the Leeward Islands, I was ordered to furnish you with a list of prisoners now in custody who are under sentence of transportation. I send a list, but I understand that several persons are trying to agree for these malefactors for other plantations, so that they may be disposed of directly they plead their pardons. I beg that you will put in force your former order to transport them to the Leeward Islands. 1 p. *Undated. Annexed.*

1729. i. A list of twenty prisoners convicted in London and Middlesex. 1 p. *Endorsed.* Recd. 4 June '84. [Col. Papers, Vol. *LIII.*, No. 119.]

- June 6.
Boston. **1730.** Wm. Stoughton and Joseph Dudley to Lord Sunderland. We received yesterday from you the King's command referring to Captain William Phipps, for securing His Majesty's interest according to the covenant and obligations signed by Phipps and the Company. We shall keep them secret and execute them. We are sorry that the matter already bears so ill a face that one of the supervisors on the King's behalf has already deserted the business. We hope he will give you a true information, though we were never particularly advised of the cause of the breach. Phipps went away in January and has been some months upon the wreck. We shall use our best endeavours to persuade his return from the wreck, and shall then do our utmost for the King's interest. *Signed*, William Stoughton, Joseph Dudley (see No. 1555.) 1½ pp. *Endorsed.* [Col. Papers, Vol. *LIII.*, No. 120.]

- June 8.
Nevis. **1731.** Sir William Stapleton to Lords of Trade and Plantations. I have stopped a sloop taken by Bond the pirate, which was fitted out by Governor Esmit of St. Thomas, being a present to him from Bond. She was demanded from Jamaica and denied restitution as the enclosed depositions show. Here also is his permit (see No. 1595), and another deposition of this wicked man's false

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and idle comparisons. He daily gives occasion of discontent. His wife has left for England and Denmark. They boast having better credit in both Courts than I. So might Colonel Clancy and the German princess have boasted, till their cheats were laid open. I am ashamed to trouble you so often with this Esmit. It appears by the pass that he still pretends to the Virgin Islands, though I have the King's orders to assert his sovereignty, as I would have done, had I had more latitude, even at the cost of bloodshed. I must correct my former statement that the French General is Viceroy. *Signed*, Wm. Stapleton. *Holograph*. 1 p. *Endorsed*. Read 6 Aug. '84. [Col. Papers, Vol. LIII., No. 121, and Col. Entry Bk., Vol. XLVII., pp. 161, 162.] *Annexed*,

1731. i. Deposition of Martin Borel. The sloop Fox was brought into St. Thomas by Captain George Bond, who told him that he took her from the French at Santa Cruz. Bond gave her to Governor Esmit who sent her to Barbados. Sworn before Joseph Martyn, 2nd June 1684.

Deposition of Charles Chapman. Was sent to Barbados in command of the sloop Fox, with a consignment of timber to Colonel Edwyn Stede, who seemed disappointed at the smallness of the cargo. Knowing that there were differences between Governor Esmit and Sir William Stapleton, witness was unwilling to send the sloop back to St. Thomas, on which Stede said that he need fear no harm, and gave him orders to proceed to St. Thomas and call at St. John's on his way for news. On arrival at St. John's he anchored by Captain Hill's ship, who seized the sloop and took possession. There were goods on board sent by Colonel Stede to Governor Esmit. Sworn as above.

Deposition of Matthew Martin. Was at St. Thomas when the Fox was brought in, and heard Bond's men tell the story of her capture. While there a sloop came from Jamaica to demand the Fox, but she was refused. Sworn as the foregoing.

Deposition of Thomas Biss. Was credibly informed at St. Thomas that the sloop Fox belonged to Jamaica and was captured by a French pirate. Bond brought her to St. Thomas and gave her to Esmit. The emissary from Jamaica was not only denied restitution of her but was detained prisoner by Esmit, until helped by friends to escape. Sworn as the foregoing.

Deposition of George Martyn. Confirming the refusal of Esmit to restore the sloop. *The whole 3½ pp.* *Endorsed*. Recd. 4 Aug. '84.

1731. ii. Deposition of Thomas Hill, master of the ship Susannah of London. While at St. Thomas heard Esmit say that he had a more sovereign commission from the King of Denmark than Sir William Stapleton from the King of England; that if the King of Denmark was minded at any time to make war with any prince or potentate, he

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did so with his sword in his hand ; whereas the King of England had to pull off his hat to Parliament and ask their leave, and that the English received their colours from the Danes. Sworn before Sir William Stapleton 2 June 1684. 1 p. Endorsed. Recd. 4 Aug. '84. [Col. Papers, Vol. LIII., Nos. 121, I., II.]

June 9. **1732.** Lords Proprietors of Carolina to Governor Sir Richard Kyrle. Ordering the delivery of the draught of the fundamental constitution of Carolina of 17th August 1682 to John Moore. Signed, Craven, Albemarle, Bath (for Lord Carteret), P. Colleton. [Col. Entry Bk., Vol. XXII., p. 39.]

June 9. **1733.** Lords Proprietors of Carolina to Governor Sir Richard Kyrle. We have seen an Act passed by the Province under your government to suspend prosecution for foreign debts, which totally prohibits the prosecution of any action arising outside the limits of Carolina. This is in effect to stop the current of common justice, is against the King's honour and dignity, in excess of your powers and repugnant to the laws of England. You will not consent to this Act nor suffer it to be put into execution. We regret to find that we have entrusted the government of the country to men who have no greater regard for it than this, who, being themselves magistrates to administer justice to others, publish to the world that any man who takes his neighbour's goods has only to come to Carolina and he will be protected by the law. Though they may forget their duty we shall not forget ours. You will enquire if any justices or sheriffs in the County Courts had a hand in this proceeding, and, if so, you will dismiss them and put men of better principles in their room. We also repeat the power formerly given to our Governor and Deputies to pass laws to be in force for two years and no longer unless confirmed by us. In future the laws shall cease and become void before the expiry of two years as soon as our disapprobation is received by you. We find that contrary to our order the elections in Berkeley and Colleton counties were not held on the same day. This contempt of our orders is not for the King's honour. You will dissolve the Parliament thus elected, and hold a new election for both counties on the same day, that persons may not have the opportunity to run from place to place, and awe the people, and hinder freedom of election. And you will appoint a distinct sheriff in each county. We have seen a commission granted in our names to John Moore under the "great seal" of Carolina. You are mistaken herein, for the great seal of the province is in England, and the seal that you have is for land-grants only. Nor do we approve nor allow this commission for these places to be granted to him, for we wish them to be annexed to the Secretary's office. Nor are you to grant any place in Carolina but during pleasure only, or the grant will be voided ; and the Governor and Deputies shall grant no places except those not provided for by the Proprietors. The persons that they appoint shall receive his commission under the Governor's hand and seal, and hold it only until we have chosen whom we shall

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appoint, though we shall not overlook those who have done good service in the province. *Signed*, Craven, Albemarle, Bath (for Lord Carteret), P. Colleton. [Col. *Entry Bk.*, Vol. *XXII.*, pp. 36-38.]

June 9.

1734. Lords Proprietors of Carolina to the Secretary of Carolina. In our orders to the Governor of the province south and west of Cape Fear, we ordered the writs for election of members of Parliament to be issued so that the elections should be made in both counties in one and on the same day. We desire your explanation why the writs for Berkeley County were made out on the 6th, and for Colleton County on the 28th February. You will also report to us whether you have recorded the powers we sent you for granting lands to Thomas Hasteed wherein you yourself are particularly interested, and whether a copy of them is hung up in your office as directed. You will report to us whether you have a copy of our fundamental constitutions, and, if not, why not; and what reason you have for disobeying sundry articles of your instructions. [Col. *Entry Bk.*, Vol. *XXII.*, p. 34.]

[June ?]

1735. Governor Dongan to Mons. de la Barre. I believe that you have been misinformed as to the Iroquois. They have traded with this Government for forty years, and nowhere else unless by stealth. I am sure they are nearer to this place than to yours, and all to the south and south-west of the lake of Canada. It seems clear that these lands belong to the King of England, all his colonies being close to them. The Indians with pipes through their noses would gladly trade with us did not other Indians hinder them. They find here the trade that they want and can find nowhere else, you having none of it except from ourselves. As for any dispute about them, I suppose your people and ours may trade among them without any difference. Thank you for the passes. No one desires a good understanding between our nations more than myself. *Signed*, Tho. Dongan. 1 p. *Endorsed*. Printed in *New York Documents*, Vol. *III.*, p. 447. [Col. *Papers*, Vol. *LIII.*, No. 122.]

June 9.
Barbados.

1736. The Secretary of Barbados to Lords of Trade and Plantations. Forwarding quarterly return of proceedings in the Council and Secretary's office. *Signed*, Edwyn Stede. $\frac{1}{2}$ p. *Endorsed*. Recd. 29 July 1684. [Col. *Papers*, Vol. *LIII.*, No. 123, and Col. *Entry Bk.*, Vol. *VII.*, p. 244.]

June 10.

1737. Thomas Milner to Lords of Trade and Plantations. Forwarding Journals of the Assembly that met on 16th April and copies of the laws. Recd. 20th August 1684. [Col. *Entry Bk.*, Vol. *LXXXII.*, p. 284.]

June 11.

1738. Journal of Lords of Trade and Plantations. Petition of Robert Orchard read (*see No. 1741*). The Lords hearing that he has received the same allowance as other witnesses do not think fit to order anything further.

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Governor Cranfield's letters of 15th November and 16th January read (*see Nos. 1386, 1508*). Ordered that Weare have notice to attend the Lords if he can be found. Several Orders of the Council of New Hampshire read. Agreed to speak with the merchants about that of 4th October fixing the value of pieces of eight.

The following Acts of Barbados were read and approved : Additional Act for raising money ; Act to continue the Committee of Public Accounts ; Act to revive Acts for better ordering and securing of slaves ; Act to continue the Act for settling the public accounts ; Act for a levy on windmills ; Act to ascertain parish boundaries ; Act for the accommodation of the Governor.

Memorandum of documents despatched and received. [Col. Entry Bk., Vol. CVII., pp. 309-313.]

June 11.
Council
Chamber.

1739. Report of Lords of Trade and Plantations to the King Recommending that the Recorder of London be ordered to take care that in the next general pardons there be a clause inserted providing that the persons to be transported be sent to such plantations as the Commissioners for Gaol Delivery shall appoint, and that such others as shall be hereafter transported shall be sent to St. Christophers until the number of three hundred be completed (*see No. 1723*). [Col. Entry Bks., Vol. XLVII., p. 140.]

[June 11.] **1740.** Petition of Charles Morgan to Lords of Trade and Plantations. Petitioner accidentally missed his chance of being heard on the 5th instant and begs for another appointment. 1 p. *Endorsed.* Read 11 June. [Col. Papers, Vol. LIII., No. 124.]

[June 11.] **1741.** Petition of Robert Orchard to Lords of Trade and Plantations. I have waited twelve months by your command to attend the Attorney-General and give him evidence against the Governor and Company of Massachusetts. I beg for consideration of the great expense to which I have hereby been subjected. 1 p. *Endorsed and inscribed.* Read 11 June '84. [Col. Papers, Vol. LIII., No. 125.]

June 12. **1742.** Order in Chancery, that the Attorney-General be attended in the matter of the prayer of the Governor and Company of Massachusetts for extension of time to appear, who shall show cause on the last day of this term, if he thinks fit, why such extension should not be granted. *Copy in the hand of Edward Randolph.* 1 p. *Endorsed.* [Col. Papers, Vol. LII., No. 126.]

June 13. **1743.** Minutes of Council and Assembly of St. Christophers. The Assemby concurred with the Council that the impost on liquors be continued for three months at the former rates. A joint Committee appointed to draft an Act to prevent trespassing of negroes, and orders issued for clearing paths and for adjusting the accounts of the country. [Col. Papers, Vol. LV., No. 48.]

June 13. **1744.** Order of the King in Council. Referring the petition of Sir John Knight, of Bristol, to Lords of Trade and Plantations for report. *Signed, John Nicholas.* $\frac{1}{2}$ p. *Annexed,*

1684.

1744 I. Petition of Sir John Knight to the King and Privy Council. Your Majesty, on the prospect of Sir William Stapleton's departure from the Leeward Islands, was pleased to make me hope to succeed him, by declaring that I was most fit for it. A rumour of this has reached the Leeward Islands, and Sir William Stapleton and others have, with great industry, art, and malice, contrived several scandalous libels against me to defame me and rob me of your intended favour. Some of these have been presented to the Lords of Trade and the substance of them published, though one which was open for signature in Montserrat, where I am best known, was rejected by the Assembly and six of the Council who were Protestants and signed only by five Papist Councillors. I beg for an opportunity of vindicating myself. *Copy.* $1\frac{1}{2}$ pp. *Endorsed.* Read 18 June 1684. [Col. Papers, Vol. LIII., Nos. 127, 127 I., and Col. Entry Book, Vol. XLVII., pp. 157, 158.]

June 14. **1745.** Order in Chancery. For the discharge of the order giving extension of time for the defendants in the King *v.* the Governor and Company of Massachusetts to appear. *Signed,* George Edwards. 1 p. [Col. Papers. Vol. LIII., No. 128.]

June 15. **1746.** Governor de la Barre to Governor Dongan. The Iroquois, Senecas, and Cayugas, have unexpectedly attacked a fort to which I had sent to withdraw Monsieur La Salle, plundered seven canoes, and detained fourteen Frenchmen who were in charge of them. I am therefore obliged to attack them as people from whose promises one can expect nothing but murder and treason. I do not mean to molest the Mohawks and Oneidas who have done me no harm. My letters from France exhort me to strict union with your nation. I think that you can grant my request that you will forbid those at Albany to sell arms to the Iroquois who attacked us. This is the only way to intimidate them, to show that the Christians are united. If you have any complaint against them advance it now, and I will consider your king's interest as my own king's. *Signed,* De la Barre. *French.* $1\frac{1}{2}$ pp. *Endorsed.* Printed in New York Documents, Vol. III., p. 447. [Col. Papers, No. LIII., No. 129.]

June 16. **1747.** Warrant of the Duke of York appointing Josias Clarke Windsor. to be Chaplain of the garrison at New York. [Col. Entry Bk., Vol. LXX., p. 48].

June 16. **1748.** Minutes of Council of Jamaica. Captain Musgrave, executor to Thomas Martin, late Receiver-General, deceased, was called in and asked if he would undertake the trust. On consideration of the terms of the patent, the Governor said that he should appoint no one except in trust; and it was ordered that Colonel Molesworth assist Musgrave in taking account of the bonds, and that the Attorney-General bring a *scire facias* against the

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Receiver-General's patent. Charles Penhallow ordered to act as Receiver-General for eight months and to assist Martin's executors in clearing the accounts. Adjourned *sine die*. [Col. Entry Bk., Vol. XXXVI., pp. 43-45 and 50-51.]

June 17.

1749. The Council of Virginia to the King. In February last Captain Thomas Smith of the ship Constant sailed into the Potomac from England and anchored in the Port of Noming. He duly entered his ship with the Collector of the district, but finding no freight and hearing that there was freight in Maryland, he crossed the Potomac in his sloop and asked Lord Baltimore's Collector for licence to trade. But he was not allowed to enter his sloop, but was required to enter his ship in the right of Lord Baltimore, though she was riding in a port of Virginia, in which Smith has ridden and loaden for years without any pretension from Lord Baltimore. Refusing to make entry, he was taken into custody and detained until he entered his ship with Lord Baltimore and gave bonds of great value to pay port-dues to him. Indeed, Lord Baltimore pretends to the whole of the river as far as high-water mark. This will greatly discourage merchants if they have to pay port-dues both to your Majesty and Lord Baltimore, and will drive inhabitants from this Colony to Maryland to find shipping and a market for their tobacco. We therefore beg redress against Lord Baltimore. [Col. Entry Bk., Vol. LXXXII., pp. 303-305, and Vol. LXXXIV., p. 193.]

[June 17.]
Virginia.

1750. Lord Howard of Effingham to Sir Leoline Jenkins. You will be glad to hear that the country is in a peaceable state and the securer for a law passed by the Assembly for the defence of the frontier against Indians. I have sent copies of the laws just passed to My Lords, and hope that they will be approved; if they fail, it is not for want of my endeavour to gain their approval. I have sent also an address from the Council and from the Burgesses (see No. 1698), together with the Council's opinion on the laws and as to Mr. Buller's case. You will also receive [*noted below*: It came not in the pacquet] a resentment of Lord Baltimore's pretended claim to the right of the Potomae river on Virginia's shore, by which you will judge how he designs to abridge the King's jurisdiction and lessen the revenue and dignity of this Government. I beg you to be earnest with the King to prevent such things, for reasons which you will find inserted in the representations. He has alway had free passage for his ships through the King's dominion here, without paying any acknowledgment, which I submit should be insisted on for the future. I have inspected all the stores and ammunition, but have not sent any account, for many of the great guns are at present under water and we cannot now afford to recover them. The ammunition I fear is much of it spoiled. I am unwilling to send an imperfect account, so shall send an exact one if I can next year. I held a Council last week, and informed them that the King had granted me leave of absence during the hot weather, and as they said that they knew of no business to detain me, I shall go to New York from which I can return in two

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or three days if needful. I have been short, merely intimating what the Council has written at greater length. [Note below: Nothing came except one letter from Colonel Spencer.] Signed, Effingham. *Holograph.* 2 pp. *Endorsed.* 17 June 1684. Recd. 30 Sept. 1684. [Col. Papers, Vol. LIII., No. 130, and Col. Entry Bk., Vol. LXXXII., pp. 294-296.]

June 17. 1751. Proclamation of the Governor of Virginia. Fixing the size of hogsheads for tobacco. [Col. Entry Bk., Vol. LXXXIV., p. 202.]

June 17. 1752. Minutes of Council of Virginia. Captain George Cooper reported that he found it difficult to raise thirty men as rangers in Rappahannock county. Ordered, that as other commanders may find the same difficulty, that Gloucester, Middlesex, and Lancaster counties be set apart to supply Rappahannock; Westmoreland and Northumberland for Stafford; Charles City and James City for Henrico. In New Kent, if men will not offer themselves, the men already listed are ordered to continue. Two justices appointed for each district to provide quarters. Each ranger is annually to pay for himself and horse 1,200 lbs. of tobacco. [Col. Entry Bk., Vol. LXXXIV., pp. 188-189.]

June 18. 1753. Journal of Lords of Trade and Plantations. The complaints of Sir Henry Morgan and others against Thomas Lynch were heard. Sir Charles Littleton and Colonel William Beeston appeared for Sir Thomas, Captain Charles Morgan for the complainants, with counsel. Laws, documents and depositions were read, and the evidence of Sir Francis Watson was taken. The Lords saw no reason to alter their former decision on the matter.

The hearing of William Freeman's complaint against Sir W. Stapleton fixed for next Tuesday. Petition of Sir John Knight read (see No. 1744 i.). The letters of 16th and 18th February from Montserrat and Antigua were presented to the Committee.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVII., pp. 314-317.]

June 18. 1754. Memorandum of Lords of Trade and Plantations. Sir John Knight was ordered to put into writing what further he had to say, but this matter came no more before their Lordships. [Col. Entry Bk., Vol. XLVII., p. 158.]

June 18. 1755. Rule in Chancery for judgment against the Charter of Massachusetts. Copy. $\frac{1}{2}$ p. [Col. Papers, Vol. LIII., No. 131.]

June 19. 1756. Proclamation of the Governor of Virginia. Repealing five Acts of the Assembly, two of 1677, and three of 1683, viz., An Act to prohibit exportation of iron, &c., An Act to repeal the Act concerning Attorneys, and an Act repealing an exception in Act No. 9 of 1664. [Col. Entry Bk., Vol. LXXXIV., pp. 199, 200.]

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June 19.

1757. Proclamation of the Governor of Virginia. Prohibiting the King's subjects from trading, harbouring, or corresponding with pirates. [Col. Entry Bk., Vol. LXXXIV., pp. 200, 201.]

June 19.

1758. Proclamation of the Governor of Virginia. As to the settlement of the Government during his absence on leave. [Col. Entry Bk., Vol. LXXXIV., pp. 203, 204.]

June 20.

Jamaica.

1759. Sir Thomas Lynch to the Lord President of the Council
 Three or four months ago I reported what I had done or designed to draw the Spaniards hither to buy negroes, and by last ship I acquainted Mr. Blathwayt that one Meverell and one Gill, a couple of beggarly vagabonds, by the privity of Mr. James Banks, a merchant, and by the advice of Roger Elletson, had attempted to seize the Spaniards the night he went away (*see ante*, No. 1673). This malicious act has had the consequence that I feared. I called a Council to punish these villains as far as I durst, and published a proclamation, grounded on the King's letter to Lord Vaughan, permitting Spaniards to buy negroes and bring their own goods. I also sent the proclamation to the frigate and to Don Juan Gesnes that he might see that I could protect and encourage the trade. But of its effect we have no news, for they dismissed the convoy immediately on arrival at Cartagena. The Governor has written me a long and very civil letter, saying positively that the ship shall return for negroes, and the Assiento's factor, Don Francisco de Torregruetto says the same, but that there was no rent for negroes at Cartagena. Don Juan Gesnes writes, that they were extremely embroiled. Porcio had escaped to Porto Bello, and, the market being closed, they could not sell his negroes at Cartagena. Don Juan himself was terrified at the prospect of lawsuits and by the last attempt to seize his ship, for he saw that they would have destroyed him but for my protection. He thinks of going to Curaçoa. The captain of the Ruby helped to discourage the Spaniard's return, for when he sailed he told me he durst not take him into possession after the seizure, nor bring him into port, alleging the Admiralty's orders for not obeying me herein. My view of the whole situation is this: The Spaniards hate us for the multitudes of English that prey on them here, and in Spain would rather that the Dutch had their money than we. Probably, at Panama, the President has owned Porcio's power, and that is the mart for money and for sale of negroes, so I intend, when the sloop returns, to send her on some pretext to Porto Velo, and write again to the President and Porcio, who mortally hates the Dutch; but I doubt they will be too powerful for him in Spain.

The Royal Company now begins to supply us well, there being two ships with seven hundred negroes in port. If the Spaniards do not return we shall not want five thousand negroes a year, nor the law to make the Company furnish three thousand. Interloping will entirely cease, especially if the Lords of the Admiralty order their captains to seize interlopers. The African Company ought to have a man-of-war on the coast of Africa also. Two or three

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pirates have been lately taken, one Towers, a Dutchman of thirty or forty guns, and a Brandenburger, and some other foreigners, but no English. Many of the men are of this island, but the chief pirate, Graham, is not. It is said that they mean to sail for the South Seas. I am glad to hear that Governor Stapleton intends to destroy St. Thomas. It is the refuge of all the pirates in the Indies, which increase daily, and more by men of our own than of any other nation. About twenty days ago one Banister ran away with a ship, the Golden Fleece, of thirty or forty guns, picked up over a hundred men from sloops and from leeward, and has got a French commission. Hamlin, captain of La Trompeuse, got into a ship of thirty-six guns on the coast of the Main last month, with sixty of his old crew, and as many new men. They call themselves pirates, and their ship La Nouvelle Trompeuse, and talk of their old station at Isle des Vaches. I have consequently sent to apprise the French Governor and warn our merchantmen. A new Governor, Mons. Cussy, has arrived at Petit Guavos, and I have asked him to forbid his subjects at Isle des Vaches to receive or succour pirates, not to ill-treat our vessels that are driven to anchor in the bays when plying to windward, and to return a sloop of Captain Kempthorn's that they surprised at Tortugas. I have also told him that it is contrary to international law to grant commissions of war to unknown persons up and down the Indies, and begged him to give none to Banister, Coxon, or any Englishman. I warned him that our frigates had orders to seize all English with such commissions, but that such French as had lawful commissions should be treated as the King's allies. Perhaps you will consider whether our Ambassador should not procure the French King's orders on the subject, for saying anything here is like preaching in the desert. Vanhorn's son is dead at Petit Guavos, so the French have divided what he leaves. Grammont is going with his own ship, and four or five more, to Leeward; he has fifteen hundred men, and is supposed to have designs on Caracas. Laurens and he are great enemies; but I have heard nothing of Laurens since he took the Spaniard in St. Philip's bay (*see ante*, No. 1649).

I have often complained to you of the injury done to our traders by the Spainards. Last week a sloop from Nevis and two of our fishermen were all robbed, their boats taken by one Alonzo Martin of St. Domingo. The Governor would not condemn the sloops, for these rogues awe and hector them, so they carried them off to trepan others. This is what makes our men turn pirates. A new Governor is come to St. Domingo, and it was time, for the last was certainly the cause of the loss of Vera Cruz. He was landed to the east of St. Domingo by three ships, which afterwards bore up for Vera Cruz. One last advice from Curaçoa says they have abundance of negroes but no hope of Spanish trade, which gives hope to us. We have no news of the Guernsey and Bonito except that they had killed two Frenchmen off Hispaniola for not saluting them. Last week the Ruby returned from Carthagena. She had very bad weather and sprung some leaks, and they are now examining her to see if she can be kept here. I doubt not to send her or the other

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home this summer, and I beg for the dispatch of another, a good sailer, or a strong ship with a reasonable commander. We can have no Spanish trade, and no interlopers captured, unless the Admiralty order it or make over the power to me. And here I must beg again that the Admiralty power be re-established and kept up, which is best done, as I conceive, without consulting lawyers and employing out here the tedious forms of England. All I think needful is, that the King and Duke of York should give the Governor their Commissions as Vice-Admiral, and the Admiralty likewise, and send all their instructions to him for their commanders. With this I dare answer for everything; without it I hold myself accountable for nothing.

This reminds me that Mr. Martin, the Receiver-General, is dead, whose bad qualities and ill-founded patent made the King ill-served and the revenue ill-managed. His accounts are in great disorder, and though he owns a great plantation, it is thought that his property will not satisfy his debts. Further, to perplex us still more, his executors pretend to his office of Receiver General. The Council has put in Mr. Penhallow for eight months, and ordered a *scire facias* to be brought next Court to void the Patent. I beg that it may be granted only during the King's pleasure, and to Mr. Penhallow. I have no interest in the appointment but the King's service, for which I can only answer when I have proper instruments. I beg to remind you of a petition from Port Royal, which I sent you six months ago. It was against J. Byndloss's patent, which he obtained by surprise and contrary to your orders, for fourteen or fifteen offices, and, that being stopped, divided them between Charles Morgan and himself for their lives. They have not had much profit, but such grants give the Island much trouble and the magistrates much discouragement. The Council will probably order a *scire facias* to be brought against them when it meets, and I beg you to forbid any offices in this Island to be granted in future without your privity. The Island is full of gratitude to you and to the King for your favour and protection. *Signed,* Thomas Lynch. 8 pp. *Closely written.* *Endorsed.* Recd. 31 October 1684. Read 8 Nov. 1684. [Col. Papers, Vol. LIII., No. 132, and Col. Entry Bk., Vol. XXX., pp. 264-274.]

June 20.

1760. Colonel Nicholas Spencer to Sir Leoline Jenkins. I send for the Acts of Assembly passed this Session, of which three will, we hope, be much to the King's service and the security of the country. We are not without apprehensions that the Indians may commit some trespasses in their passing and repassing the frontier, but our frontier guards will prevent abiding mischief. In all my time I have never known Indians stand at the appearance of our forces. The Act for an impost on liquors was made temporary by the Governor, he not doubting but that future Assemblies will make it indefinite. The third important Act is concerning plant-cutting. It will show the inhabitants that any recurrence of their former mad business will prove more than a trespass. The Governor is going to New York for the hot season. The Quaker, ketch,

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Captain Allen, arrived about a fortnight ago. She is welcome, for she will not only protect us against pirates by sea but in this well-watered country can command the land. So I hope she may bring a good account to the King's Customs by preventing the frauds too often practised here by New England traders. $1\frac{1}{2}$ pp. Copy. Endorsed. [Col. Papers, Vol. LIII., No. 133, and Col. Entry Bk., Vol. LXXXII., pp. 291-293.]

[June 20.] 1761. A list of the public lands in Bermuda, St. George's Island, the small islands near it, and St. David's Island, with the value of each parcel. $2\frac{1}{2}$ pp. Endorsed. Recd. 20 June '84 [Col. Papers, Vol. LIII., No. 134.]

June 21. 1762. Order of Chancery for entering judgment against the Massachusetts' charter if they do not come to trial next term. 2 pp. Underwritten: "This is the Order pronounced by the Court. Pray let it be entered. It very much concerns the King. R. Sawyer." 2 pp. [Col. Papers, Vol. LIII., No. 135, and Col. Entry Bk., Vol. LXI., pp. 203, 204.]

June 22. 1763. William Milborne to [Francis Burghill]. At the desire of some gentlemen in the Bermudas I have copied out the Assembly's petition here ordered, but since that time the Governor has behaved more like a brute than a man. It is the desire of all to be relieved from oppression, and from nothing sooner than this tyrannical Deputy Governor. We hope you can help us. Signed. 1 p. [Col. Papers, Vol. LIII., No. 136.]

[June 22.] 1764. Account of expenses incurred by Lord Culpeper for disbanding the troops in Virginia. Total, 213*l.* 6*s.* 8*d.* [Col. Entry Bk., Vol. LXXXII., p. 274.]

June 22. 1765. Warrant for payment of the above sum to Lord Culpeper. Countersigned, Rochester, J. Ernle, Ste. Fox. [Col. Entry Bk., Vol. LXXXII., p. 275.]

June 23. 1766. Nicholas Spencer to the King. In obedience to your Majesty's order, I present a report on the case of Richard Buller. The Act under which his deer-skins were seized was passed in December 1680; the seizure was made in December 1682; Mr. Buller's agent acknowledges that he was aware of the Act; the package was made up evidently with the design of evading the law. I submit therefore that the seizure was legal. Signed, Nicho. Spencer. [Col. Entry Bks., Vol. LXXXII., pp. 312, 313, and Vol. LXXXIV., pp. 197, 198.]

June 23. 1767. Colonel Nicholas Spencer to Sir Leoline Jenkins. The same letter abstracted above under date of June 20 (see No. 1760), with an additional paragraph, to the effect that the Governor will return from his leave of absence in the fall. Holograph. $2\frac{1}{2}$ pp. Endorsed. Recd. 18 Aug. '84. Presented 30 Sept. [Col. Papers, Vol. LIII., No. 137, and Col. Entry Bk., Vol. LXXXII., pp. 291-293.]

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June 23.

1768. Colonel Nicholas Spencer to Lords of Trade and Plantations. I send the Minutes of Council and Journals of Assembly, which latter you will find very full. They may probably incur your censure for the Assembly's sitting some time longer than it has ordinarily done. The Governor, in view of the importance of the Acts, thought it worth while to allow some time to be argued away. *Repeats account of the Acts as in No. 1706.* I send also a representation of a claim made by Lord Baltimore of all the great river Potomac which divides Virginia from Maryland. He pretends to a right over all the water of the river to high-water mark on the Virginian shore. He lately prosecuted his pretensions thereunto by causing Captain Thomas Smith, of the ship Constant, to be arrested and committed to custody till he gave bond of great value to pay port-dues to Lord Baltimore, though the ship rode half-a-mile from the Virginian shore and six miles from Maryland. This, if not redressed, will diminish the King's revenue and be grievous, if not ruinous, to our inhabitants who live near the Potomac. *Signed, Nicho. Spencer. Holograph. 2 pp. Endorsed.* Recd. 17 Aug. '84. [Col. Papers, Vol. LIII., No. 138, and Col. Entry Bk., Vol. LXXXII., pp. 288, 289.]

June 23.

1769. The Council of Virginia to the King. We conceive it our duty to point out, in reference to Sarah Bland's many petitions, how unfairly your Council has been used by the many false statements and affidavits brought forward by her. Her statements are not less a libel on your Majesty's Council here. We beg that the original order of the General Court in her case of 1st May 1680 may be considered, wherein it will, we hope, be seen that the proceedings were exactly according to the opinions of the English Judges of Common Pleas. And we beg leave to appeal for such sentences on Sarah Bland as your Majesty in your justice shall see fit to decree. *Two closely written pages.* [Col. Entry Bk., Vol. LXXXIV., pp. 191, 192.]

June 24.

Windsor.

1770. Warrant from the King to the Commissioners of the Treasury for payment of 1,086*l.* 13*s.* 4*d.* to Lord Culpeper, for the expenses of the sloop Katharine, of the quarters of a company of guards, and other expenses in Virginia. *Countersigned,* Rochester, J. Ernle, Stephen Fox. [Col. Entry Bk., Vol. LXXXII., p. 273.]

June 24.

1771. Warrant from the King to the Solicitor-General to prepare a grant to Lord Culpeper of 600*l.* a year for twenty years, half of it in compensation for his pretensions in Virginia. *Countersigned,* Rochester, J. Ernle, Ste. Fox. [Col. Entry Bk., Vol. LXXXII., pp. 276-280.]

[June 24.]

1772. Governor Dongan to Governor de la Barre. I received yours of the 15th June on the 23rd instant (o.s.), and am sorry that I did not know sooner of your misunderstanding with the Indians that I might have prevented it. These Indians are under our government as is manifest by our records. The Duke

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of York's territory extends to Canada, and yet your people come on the great lake and on this side of both lakes. I must ask you to prohibit them from doing so, and I will issue a corresponding prohibition here. I am going to Albany forthwith and shall send for the Indians to make them give you satisfaction, and if they decline I shall not unjustly protect them but do all for your government that can reasonably be expected. *Signed*, Tho. Dongan. *Copy dated, plainly by error, May 20th. 1 p. Endorsed. Printed in New York Documents, Vol. III., p. 448. [Col. Papers, Vol. LIII., No. 139.]*

June 25.

July 5.

Fort Albany.

1773. Governor Dongan to Governor de la Barre. I came here to send for the Senecas, but some of their sachems have come here expressly to meet me. They told me that you intend to make war on them, which I can hardly believe after my last letter to you. You cannot be ignorant that these Indians are under the Government, and they have promised me, if they have done anything amiss, to give satisfaction. I shall be sorry if you invade the Duke's territory after this honest offer and my promise that the Indians shall punctually give you satisfaction. I do not doubt this affair between you and the Indians may be reconciled; if not, we should refer to our masters at home. I have ordered the Duke of York's coat-of-arms to be put up in the Indian Castles, which may dissuade you from any action that might cause misunderstanding among us. *Signed*, Tho. Dongan. 1½ pp. *Copy. Date erased (but see No. 1817). Printed in New York Documents, Vol. III., p. 449. [Col. Papers, Vol LIII., No. 140.]*

June 25.

1774. Lords Proprietors of Carolina to [the Governor of Carolina]. The Scotch emigrants desire that the town they pitch on may be the seat of justice for that country. We have no objection provided the site be healthy, the water good, the land high enough to admit of cellars underground, and the situation far enough inland to render it safe from surprise by ships. The land must be reserved as laid down in our instructions for other port towns, and you will direct all who settle in or near Port Royal to settle together as may be best for their defence and safety. *[Col. Entry Bk., Vol. XXII., p. 35.]*

June 25.

Virginia.

1775. Lord Howard of Effingham to Lords of Trade and Plantations. You will be glad to hear that all is well and quiet here. The new Act has made us safe against Indians, and I hope that it and the rest may meet with your approval. Secretary Spencer's experience, ability, and integrity has been of great service to the Colony, and a great advantage to me at my first coming. My humble thanks to the King for the Quaker ketch. *Signed*, Effingham. *Holograph. 1 p. Endorsed. Recd. 19 August 1684. Read the 20th. [Col. Papers, Vol. LIII., No. 141, and Col. Entry Bk., Vol. LXXXII., pp. 285, 286.]*

[June 26.] **1776.** A further defence by John Bramley against the accusations of William Freeman (see No. 1727). *Broad sheet, very*

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closely written. Endorsed. Recd. 26 June '84. [Col. Papers, Vol. LIII., No. 142.]

June 27. **1777.** Order of the King in Council. Report of Lords of Hampton Court. Trade and Plantations to the King. We have heard the Agents and Counsel of Sir Henry Morgan, Colonel Robert Byndloss, Roger Elletson, and Charles Morgan in support of their petition (*see* No. 1658), and we see no cause to alter anything in our previous recommendation that the action of Sir Thomas Lynch be approved. Dated 18th June 1684. Ordered accordingly. *Signed*, John Nicholas. [*Col. Entry Bk.*, Vol. XXX., pp. 260, 261.]

June 27. **1778.** Order of the King in Council. That the Lords of Hampton Court. Trade and Plantations examine the condition of the Bermudas, and report what Government is fitted to be erected therein. *Signed*, John Nicholas. 1 p. *Endorsed. The original is undated; the date is supplied by the Entry Book.* [*Col. Papers*, Vol. LIII., No. 143, and *Col. Entry Bk.*, Vol. XVII., p. 100.]

June 28. **1779.** Minutes of Council of Jamaica. The King's letter of 17th April concerning the confirmation of the laws read. Also a letter from Secretary Jenkins of 24th March. Ordered that the royal proclamation of neutrality be published. The Governor then brought forward the petition presented to the King at home on behalf of Sir Henry Morgan, and Colonel Byndloss was called in and asked if he had delivered this petition. He declined to answer and behaved very disrespectfully. Mr. Elletson was called in and asked the same question, but demurred to it. Adjourned *sine die*. [*Col. Entry Bk.*, Vol. XXXVI., pp. 44-46, and 51, 52.]

June 28. **1780.** Sir Peter Colleton to Governor Sir Richard Kyrle. Since my last, some of the Scots have asked that the town which they make choice of shall be the seat of justice for the county of Port Royal. We are willing to gratify them so long as they choose a place far enough from the sea to secure them from surprise, and so long as the site is convenient and the lands about it laid out in the methods prescribed to you. On request of the Scots we agreed to make some alterations in the fundamental constitutions, whereby more power was put into the hands of the people; but some seditious persons have abused our kindness by insinuating to the people that we designed to enslave them, who have therefore rejected these changes. We therefore repealed their power to confirm their constitutions in Parliament, and resolved not to permit them to be made use of till the people are fit to enjoy them, and till they petition for that which they now reject. Mons. Baille, a Frenchman, very skilful in all products fit for the soil of Carolina, comes with this; you will encourage him, for he understands silk and oil. I enclose the French articles for Geneva. Lord Ormond is gone to Ireland to call a Parliament. *Signed*, P. Colleton. [*Col. Entry Bk.*, Vol. XXI., p. 130.]

1684.

June 30. **1781.** Sir E. Herbert to William Blathwayt. There is a case pending before the Lords between William Penn and Lord Baltimore, the hearing of which was put off at Lord Baltimore's request till April last. The Duke of York is principally concerned, it being his inheritance and his tenants being disturbed. I write therefore on his behalf, to represent the prejudice which he suffers by the delay and to hope that you will help the speeding of the cause as far as you can. *Signed, E. Herbert. Holograph. 1 p. Endorsed.* Read, 2 July '84. [Col. Papers, Vol. LIII., No. 144.]

June 30. **1782.** Earl of Sunderland to Lords of Trade and Plantations. Windsor. The King has appointed Mr. Francis Burghill to go as Governor to the Bermudas, and desires you to prepare a Commission and Instructions. *Signed, Sunderland. 1 p. Endorsed.* Read, 2 July '84. [Col. Papers, Vol. LIII., No. 145, and Col. Entry Bk., Vol. XVII., p. 101.]

[June.] **1783.** Proposals touching Bermuda from Mr. Burghill. The late Company in 1662 raised 850*l.* a year on tobacco, besides the profits of other taxes, yet the whole charge of Government, both in England and the Islands, was but 300*l.* This was proved at the trial. Since then the tobacco-tax produces 1,600*l.* or more. They send none but Nonconformists to Bermuda as ministers; there are not above three or four of the Company that have ever taken the oaths of Allegiance and Supremacy, nor are they administered to the Governors that they send out. Both there and in England the Company is a commonwealth. After much litigation in 1679 they had the confidence to appeal to the common law and refused obedience to Order in Council of 23rd November 1683. Having delayed the trial till Trinity term 1684, they tried every kind of empty plea. In consideration of this, ought they not to repair the forts which they have neglected, repay the money levied on the people over and above the charges of Government, if it comes to more than the profits of the public lands, rather than have any allowance out of them now that they are vested in the King, notwithstanding their fraudulent committing of them to trustees not a month before the trial? *One closely written page. Unsigned and undated. Endorsed.* Reed. from Mr. Burghill. [Col. Papers, Vol. LIII., No. 146.]

[June.] **1784.** Proposals touching Bermuda. The Islands are so strongly situated that three modern forts would secure them at the entrances of Great Harbour and Town Harbour, and on the north side of the Great Scund. The place may be put in a condition of defence at little cost. The profits of the Crown lands, if well administered, may yield 600*l.* a year, from which 200*l.* should be paid to the Governor, 200*l.* to five ministers, and 150*l.* to purchase of artillery, ammunition, &c. The safety of the Island being provided for, the Government should be modelled on that of Jamaica or any that the King thinks fit. Tenure of land should be by knight-service, every share being bound to send out two armed men on urgent occasions. With free trade the people will

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make better profits for their tobacco. 1 p. Undated and unsigned. Endorsed, "From Mr. Burghill." [Col. Papers, Vol. LIII., No. 147.]

[June.]

1785. Account of taxes and public levies in Bermuda. Besides the profits of the public lands, the Government raised the following taxes:—(1) One penny per lb. on tobacco amounting, one year with another, to 1,800*l.* (2) A tax of fourpence a gallon on rum and liquors, the beverage of the people, which amounts to half the value of the rum. (3) A tax of five shillings a head whenever they please. (4) A tax of 50lb. of tobacco per share. (5) A corn-tax to maintain the forts, which they suffer to run to decay. Also the general monopoly which the Company enforces by forbidding any but their own ships to trade with and supply the Island. 1 p. Endorsed. Recd from Mr. Burghill. [Col. Papers, Vol. LIII., No. 148.]

[June ?]

1786. Issues on the *quo warranto*. The King against the Governor and Company of the Somers Islands. Twenty articles, with the proof of each article. *The whole, three large pages.* Endorsed. Undated. [Col. Papers, Vol. LIII., No. 149.]

[June ?]

1787. "A true account of the public lands and little islands that are inhabited in the Somers Islands, with the tenants' names." 1 p. Undated. [Col. Papers, Vol. LIII., No. 150.]

July 2.

1788. Journal of Lords of Trade and Plantations. Lord Sunderland's letter of 30th June (see No. 1782) respecting Bermuda read, also the Order in Council of 27th June (see No. 1778). Ordered that the Bermuda Company attend on the 16th instant to give an account of their debts and the manner of payment intended by them. Draft commission and instructions to be prepared against that time.

Sir E. Herbert's letter of 30th June read (see No. 1781). Ordered that Lord Baltimore's Agent have notice to attend on the 16th instant.

The dispute between William Freeman and Sir William Stapleton heard, Counsel for both sides being present. The Lords agreed on their report (see next abstract). [Col. Entry Bk., Vol. CVII., pp. 318–322.]

July 2.

1789. Report of Lords of Trade and Plantations to the King. We have examined into the accusations of William Freeman against Sir William Stapleton and John Bramley, and we recommend that the partition of the property made by Sir W. Stapleton be set aside as not made in legal form. We did not determine whether the partition was of right to be made between the parties; and recommend that orders be given for Courts to be held where Freeman may sue Bramley, and that full liberty and directions may be given for the taking of affidavits on all sides so as to clear up the truth. 1½ pp. [Col. Entry Bk., Vol. XLVII., pp. 131–132.]

[July 2.]

1790. Reasons for speedy entering of judgment against the Bermuda Company. The Company delayed the trial from 1679 to

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June 1684 and then tried to plead a pardon. After showing much contempt of the King's authority they sue to him for protection against the laws (to which they appealed at first) only to gain power to raise 2,000*l.* a year by tobacco-tax. It would be good for a Governor to bring the first news of the dissolution of the company, and to go out to repair the forts. 1 *p.* *Endorsed.* Recd. 2 July 1684. [Col. Papers, Vol. LIV., No. 1.]

July $\frac{2}{1\frac{1}{2}}$.
St. Eustatius.

1791. Deposition of Isaac Gomes respecting the spoil taken by Governor Esmit of St. Thomas. Sworn before L. Hout Cooper, Governor of St. Eustatius. $\frac{2}{1\frac{1}{2}}$ July 1684. Dutch. 2*½ pp.* *Endorsed.* Recd. 24 Oct. 1684. [Col. Papers, Vol. LIV., No. 2.]

July 4.

1792. Map of the Narragansett River. A neat pen and ink sketch on a scale of about two leagues to the inch. *Endorsed.* Recd. 4 July 1684 from Mr. Hinkley. 1 *p.* [Col. Papers, Vol. LIV., No. 3.]

July 5.

1793. Minutes of Council and Assembly of St. Christopher's. The Assembly proposed:—1. An order to prevent the arrest of a freehold or of any part of his estate by warrant except by due course of law. 2. That the Marshal on receiving an execution to levy on the estate of any defendant be bound to make a modest demand before he levy the same. 3. That a Committee be appointed to draw up a table of fees for the Marshal where not established, and that the Secretary and Marshal deliver a return of the fees already established. 4. That representatives of the Island be free from military service unless they be commission-officers. Answer of the Governor and Council:—1. The present practice is practically fixed by law and ought not to be abrogated. 2. Referred to the execution sent down by His Excellency. 3. We cannot concur until we know what those things are for which fees are not established. 4. Referred to former answer of 3rd January. [Col. Papers, Vol. LV., No. 48.]

July 7.

1794. Colonel Nicholas Spencer to Sir Leoline Jenkins. I send a duplicate of my letter of 20th June (see No. 1760) and the address of the Governor and Council to the King. All is quiet. We have had immoderate rains through the summer which have spoiled our expectations of a heavy crop of tobacco. Will you intercede for leave of absence for me to go to England or New York for my health, leaving a competent deputy behind me. *Signed,* Nicho. Spencer. 1 *p.* [Col. Papers, Vol. LIII., No. 133.]

July 8.
Virginia.

1795. Colonel Nicholas Spencer to Lords of Trade and Plantations. I send duplicates of the Journals of Council and Assembly and of the transactions of my office. All is quiet, but the rains have spoiled our crop of tobacco. *Signed,* Nicho. Spencer. 1 *p.* *Endorsed.* Recd. 10 Sept. '84. [Col. Papers, Vol. LIV., No. 4, and Col. Entry Bk., Vol. LXXXII., pp. 286-287.]

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July 8.

1796. Deposition of James Bond. Was taken with his sloop Africa and all his men by a Spaniard, one Manuel Rodrigos, on 1st September. They were all put on board the Spanish ship and ordered into the hold until they came to Porto Rico, when they were landed and imprisoned by the Governor's order for a fortnight. A few days later the sloop was sold. Two men were taken out and put to serve on board, five more were sent in a Spanish man-of-war to Havana, and deponent and three more sent in Rodrigos' ship to St. Domingo, where they escaped and deponent found his way back to Nevis. Sworn before Joseph Martyn, 8th July 1684. 1½ pp. Endorsed. Recd. 24 Oct. '84. [Col. Papers, Vol. LIV., No. 5.]

July 9.

1797. Journal of Lords of Trade and Plantations. The draft report on the dispute between Sir William Stapleton and William Freeman read and approved (see No. 1789). [Col. Entry Bk., Vol. CVII., p. 322.]

July 11.

Hampton Court.

1798. Order of the King in Council. Approving the report of the Lords in the matter of William Freeman (see No. 1789), and ordering the recommendations to be carried out. 1 p. [Col. Entry Bk., Vol. XLVII., pp. 132-133.]

July 11.

Whitehall.

1799. Order of the King in Council. That, in view of the report of the Lords approved above, the Governor of the Leeward Islands take care for the future that in all cases when partitions are to be legally made, the duty shall be performed by the Provost Marshal (who acts as the sheriff in England) upon the oath of a jury. [Col. Entry Bk., Vol. XLVII., p. 133.]

July 11.

Hampton Court.

1800. Order of the King in Council. Referring the petitions of Nathaniel Weare and of the inhabitants of New Hampshire against Governor Cranfield to Lords of Trade and Plantations for report. Signed, Phi. Lloyd. 1 p. Annexed,

1800. i. The petition referred to. Governor Cranfield on his first entrance into the Government of New Hampshire engrossed the whole power of erecting Courts to himself, excluding the General Assembly. His Commission ordained that the General Assembly should be included, but he declared that the words were a copyist's error and caused a minute to that effect to be entered in the Council Book. Again, Mr. Cranfield was directed by his Commission that, if he could not end the differences between Robert Mason and the inhabitants, he should transmit the papers home for decision by your Majesty and the Privy Council. Instead of doing so and remaining impartial between the parties, he has by purchase and mortgage from Robert Mason made himself owner of the best part of the province. Having done so and erected the Courts as aforesaid, he has deprived us of

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our estates and of any remedy except by application to your Majesty. Again, to keep persons from prosecuting and defending their rights, he has received defendant's costs in my action from twenty shillings to six pounds to be paid in coin, though coin is scarce; and though goods be tendered in payment as heretofore, yet they are not accepted, but the persons are imprisoned. Again, he takes upon himself without authority to fix the value of money, making pieces-of-eight, however wanting in weight, to pass for six shillings though often worth sixpence or a shilling less. Again, he has without lawful cause committed several men and particularly William Vaughan and Joseph Dow to prison till they give bond for their appearance and good behaviour, with nothing further objected against them. Again, he and his Council made laws and put them into execution without the Assembly. To procure proof of these articles, we have successfully endeavoured to procure warrants or summons from the Secretary to call their witnesses to be sworn (which cannot otherwise be so); but the seeking of such summons has caused men to be bound to good behaviour, so that complaint of a wrong done under Mr. Cranfield's mismanagement draws new punishment on the afflicted but no redress. We beg that we may be empowered to examine witnesses on oath, and that, meantime, Mr. Cranfield be admonished not to exceed his Commiss'on. *Signed, Nathaniell Weare. Large sheet. [A précis in Col. Entry Bk., Vol. LXVII., p. 107.]*

1800. II. Petition of the inhabitants of New Hampshire setting forth their hopes at the taking of the Government into the King's hands, and their much worse condition thereunder, owing to the unreasonable demands of Robert Mason, and other causes. Pray that Nathaniel Weare, who has been sent for the purpose, may be admitted to lay their deplorable state before the King. Sixty signatures, many evidently written by the same hand. *Large sheet. Endorsed. Read 16 July 1684. 10 Mar. 8^½.*
1800. III. A second copy with seventy-eight more signatures.
1800. IV. A third copy with sixty-three more signatures or marks.
1800. V. A fourth copy with thirty-four more signatures. [Col. Papers, Vol. LIV., Nos. 6, 6 i.-v. and (Order only) Col. Entry Bk., Vol. LXVII., p. 108.]

July 11. 1801. Lords Proprietors of Carolina to Governor Sir Richard Kyrle. Warrant for grant of lands to Thomas Ferguson, who is removing with divers other families from the North of Ireland to Carolina. *Signed, Craven, Bath (for Lord Carteret), P. Colleton. [Col. Entry Bk., Vol. XXII., p. 39.]*

[July 11.] 1802. Draft of a Commission for erecting a Court of Admiralty in Jamaica. *Signed, R. Sawyer. 1 p. Endorsed. Read in*

1684.

Council, 11 July 1864 (*see ante*, No. 1712). [Col. Papers, Vol. LIV., No. 7.]

July 13. 1803. Depositions of five Dutch sailors. On arriving at St. Eustatius. St. Thomas in September last we found two ships. Lamoline [? Hamlin], Captain of the Trompeuse, after she was burnt took a Dutch frigate (which was one of the two ships), and after a voyage to the Brazils, where he took the other ship, landed some of his people at Cayenne, and the rest at St. Thomas. A few days after she came in the Portuguese ship came in also. One ship was taken by Governor Esmit and ourselves imprisoned. Some of us escaped, nine were made to cast lots which should be hanged, and the rest forced to sail with the pirates. *Copy.* 1½ pp. *Endorsed.* Recd. 24 Oct. 94. [Col. Papers, Vol. LIV., No. 8.]

July 13. 1804. Order of the King in Council. Approving the report of the Lords of 11th July (*see No. 1798*), and directing the matter to be ordered accordingly. *Signed,* John Nicholas. 1 p. [Col. Entry Bk., Vol. XLVII., pp. 162, 163.]

July 14. 1805. Minutes of Council and Assembly of Antigua. The Council asked the Assembly to propose a means of capturing runaway negroes, who have grown very numerous of late. The Assembly proposed to appoint Commissioners offering a reward of 500 lbs. of sugar for every negro brought in alive, and 200 lbs. for every negro killed. The Assembly desired the Council to concur with them in preparing an Act to confirm possession of lands. The Council assented, and appointed three persons to join with the Assembly in the preparation. The Council also proposed measures for the repair and construction of forts. [Col. Papers, Vol. XLIX., No. 81.]

July 14. 1806. List of ships that have laden enumerated articles from Montserrat from 14th July 1683 to 14th July 1684. *Large sheet.* *Endorsed:* Sugar, 161,327 cwt.; tobacco, 415 cwt.; cotton, 18 cwt.; indigo, 418 cwt. [Col. Papers, Vol. LIV., No. 9.]

July 16. 1807. Journal of Lords of Trade and Plantations. The Lords informed the agents of Mr. Penn and Lord Baltimore that their business would be considered on the 23rd instant.

Mr. Randolph's representation of his last news from New England read (*see next abstract*).

The Attorney-General brought the draft Commission and Act for the establishment of the Admiralty Court in Jamaica. The business fixed for the 23rd instant.

The petition of Nathaniel Weare and others against Governor Cranfield read (*see No. 1800 I.*). Ordered that Mr. Cranfield be sent a copy for his reply, and instructions to permit petitioners to take affidavits.

The business of Bermuda fixed for the 4th August. The Secretary of the Company to furnish authentic copies of its records. [Col. Entry Bk., Vol. CVII., pp. 324-328.]

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[July 16.]

1808. Edward Randolph to Lords of Trade and Plantations. I hear from Boston that since my departure the Governor and Magistrates have been very busy repairing the fortifications ; and that on the 7th May last, the day of election, Mr. Dudley, Mr. Browne, and Mr. Gidney, who have been for many years magistrates, were with great contempt and scorn left out of that number because they voted for submission ; that very seditious and inconsiderable persons were chosen in their places, and that Messrs. Bulkeley and Stoughton, being unwilling to countenance the proceedings, have resigned the magistracy. Whereupon about seventy of the chief merchants and gentlemen on horseback accompanied Dudley and Stoughton to their houses, two or three miles from Boston, leaving the people very much dissatisfied. By these means the Acts of Trade and Navigation are now rendered insignificant, and the faction having got the whole government into their hands (a thing never before attempted) may in a short time prove very dangerous, since they continue to raise money from the inhabitants as formerly, notwithstanding the royal declaration. I leave the consequences of this to your Lordships' consideration. *Signed*, Ed. Randolph. 1 p. *Endorsed*. Read at the Committee, 16th July. [Col. Papers, Vol. LIV., No. 10.]

July 18.

Council
Chamber.

1809. William Blathwayt to Robert Banner. My Lords desire the attendance of the Bermuda Company on the 6th of August at 4 p.m., and that you will send me copies of all the Laws, Rules, and Orders of Government now in force in the Island, an account of the past and present state of the public lands, and other information for the better settlement of the plantation. [Col. Entry Bk., Vol. XVII., p. 101.]

July 21.
Virginia.

1810. Colonel Nicholas Spencer to the Earl of Sunderland. I send the Acts of the last Assembly. The Colony is in perfect peace. Last winter was the severest for extremity of frost, and this summer the unseasonablest, owing to immoderate rain which has not only spoiled most of the tobacco crop, but has much endangered the drowning of all corn ; but, thank God, fair weather has relieved the corn and gives prospect of a bountiful harvest. *Signed*, Nicho. Spencer. *Holograph*. 1 p. *Endorsed*. Recd. 30 Sept. '84. [Col. Papers, Vol. LIV., No. 11, and Col. Entry Bk., Vol. LXXXII., p. 297.]

July 23.

1811. Journal of Lords of Trade and Plantations. The draft Commission and Act for the establishment of the Admiralty Court in Jamaica approved.

Lord Baltimore attended concerning his dispute with Mr. Penn. The hearing fixed for the first Tuesday after Michaelmas.

A draft letter to Governor Cranfield on Weare's petition was read and signed. A letter from Rhode Island of 15th September last read and reserved for consideration (see No. 1252).

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVII., pp. 329-331.]

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- [July 23.] **1812.** Draft of an Act for establishing a Court of Admiralty in Jamaica. *Signed;* R. Sawyer (*see ante*, No. 1712). 1 p. *Endorsed.* Read in Council 23 July 1684. [Col. Papers, Vol. LIV., No. 12.]

- July 23. **1813.** Memorandum of Lords of Trade and Plantations. That the draft Act above-mentioned was approved. [Col. Entry Bk., Vol. XXX., p. 255.]

- July 23. **1814.** Lords of Trade and Plantations to Governor Cranfield. We enclose you copies of petitions received from Nathaniel Weare and other inhabitants of New Hampshire for your answer thereto (*see Nos.* 1800 I.-V.). And for the better distinction of the truth of the allegations we think fit that all persons whatsoever have liberty to depose on oath what they know, and to take copies of all records of cases relating to yourself and the province, the said depositions to be taken in writing by properly authorised persons; and as soon as the affidavits shall be takeu they shall be interchangeably delivered to the parties concerned. *Signed,* Radnor, Guildford, C. S., Halifax, C. P. S., Craven, Rochester, J. Ernle, S. Godolphin, L. Jenkins. 1 p. [Col. Entry Bk., Vol. LXVII., p. 109.]

- July 25. **1815.** The King to Lord Howard of Effingham. Lords Culpeper and Arlington have surrendered to us their rights in Virginia and Accomack. You will publish this, and collect our quit-rents in English money or in pieces-of-eight, but not in kind. Further details are left to your discretion. [Col. Entry Bk., Vol. LXXXII., pp. 282-284.]

- July 25. **1816.** Lords Proprietors of Carolina to Governor Sir Richard Kyrle. Warrant for a grant of 3,000 acres to William Thorogood. *Signed,* Craven, Bath (for Lord Carteret), P. Colleton. [Col. Entry Bk., Vol. XXII., p. 39.]

- July 25. **1817.** Governor De la Barre to Governor Dongan. I was much astonished by the receipt of your two letters of 5th July (n.s.), one in French from you as friend to friend, and one in English, which I knew came from your Council and was not friendly. I sent to advise you that I was about to punish the Senecas and Cayugas, and you answer me about pretensions to the possessions of lands of which there is at present no question. I esteem you and the Duke of York and the King, and I believe that they will appreciate the chastisement of men who insult you, as they have all the winter in Maryland. But if you desire to protect robbers and assassins I could not distinguish their protection from themselves. I have ordered M. de Salvaye to explain everything to you. If the Indians do not give satisfaction I shall attack them towards the 20th August (n.s.). I have seen a letter of 3rd August 1683, which you wrote to M. de Castine at Pentagouet. The matter is clearly settled by the Treaty of Breda, which I beg you

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beforehand to respect. *Signed*, De la Barre. *French*. $1\frac{1}{2}$ pp.
Endorsed,

1817. I. Instructions from the Sieur de la Barre to the Sieur de Salvaye, his envoy to Governor Dongan. To explain that the place where the canoes were pillaged and Fort St. Louis was attacked is four hundred leagues from Albany, being occupied by the Jesuit missionaries, and not Iroquois country. M. De la Barre met the Iroquois at Montreal last August, and in deference to their wishes withdrew Mons. La Salle from Fort St. Louis in Illinois; but notwithstanding their pretended friendship, the Senecas and Cayugas have attacked Fort St. Louis and committed the outrages already known. Governor De la Barre can hardly think that Governor Dongan will interfere to prevent him from punishing them. *Dated* Camp de la Chine, 25 July 1684. *Copy*. *French*. $3\frac{1}{2}$ pp. *Printed in New York Documents*, Vol. III., pp. 450, 451. [Col. Papers, Vol. LIV., No. 13.]

[July.]

1818. Answer of Governor Dongan to Mons. De la Barre's instructions to Mons. Salvaye (*see preceding abstract*). 1. I have no intention of justifying injuries done by the Indians to the French 400 leagues south-west from Montreal, or anywhere else. 2. Your pretensions to that country on plea of a Jesuit mission are very slender. 3. If the matter in debate be not concerning the land on the side of the Lake of Canada, what is it? The Indians offer to give satisfaction, and I promise that they shall. As to M. De la Barre's meeting with the Iroquois at Montreal, I do not understand why he asks subjects of a friendly power whether they are friends or enemies. I wish that he had informed me before he threatened hostilities, though he knew well that I countenance no villanies of Indians. *Copy*. 2 pp. *Printed in New York Documents*, Vol. III., p. 452. [Col. Papers, Vol. LIV., No. 14.]

July 27.
Nevis.

1819. Sir William Stapleton to [Sir Leoline Jenkins]. A letter of introduction in favour of Mr. James Walker, with apologies for intruding on one who has resigned the post of a Principal Secretary of State. *Signed*, William Stapleton. *Holograph*. 1 p. [Col. Papers, Vol. LIV., No. 15.]

July 30.

1820. Journal of Lords of Trade and Plantations. The letter from the Council of New Hampshire of 23rd May was read (*see* No. 1701), also Governor Cranfield's letter of same date, and several depositions.

The death of Samuel Newton being reported the Lords agree to recommend Mr. Stephen Gascoigne as his successor in the Council of Barbados.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVII., pp. 333-337.]

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July 30.
Council
Chamber.

1821. Lords of Trade and Plantations to the King. Recommending Stephen Gascoigne to be of the Council of Barbados in the room of Samuel Newton, deceased. [Col. Entry Bk., Vol. VII., p. 244.]

July 30.

1822. Propositions of Lord Howard of Effingham to the Maquas, Oneydas, Onandagas, and Cayonges Sachems, in the Court House at Albany, 30th July 1684. It is seven years since you entered Virginia unprovoked and committed several robberies. We designed to have had revenge on you, but by desire of Sir E. Andros we desisted, and sent our agents, Colonels William Kendall and Southey Littleton, to confirm the peace concluded by Colonel Henry Coursey. But you have quickly forgotten what you promised, and broken your covenant, invaded our country again, destroyed houses and crops, and killed, burnt and carried off our people. You have come to the houses at the head of the rivers with a white shirt on a pole as a flag of truce, and, having been friendly received and entertained, have plundered the houses and destroyed the crops and cattle. These injuries have caused me to raise forces, and to ask Colonel Dongan to assist me in war against you, but by the mediation of him, your Governor, I am come to Albany to speak with you. I propose to you to recall at once all your men from Virginia and Maryland, and to abstain from molesting Indians friendly to us; and though I should have asked satisfaction but for the intercession of your Governor, I forgive you on condition that you abstain from all further injuries and keep the peace, burying two hatchets in sign of firm determination to live at peace with us and the friendly Indians. Next summer this peace shall be ratified, and you will keep it, and not come near the heads of the rivers, where our people whom you have so often deceived will not trust you. Below.—“Was given to each nation, 20 yds. duffles, 1 doz. stockings, 40 gilds. wampum, 1 fat rum, 1 roll tobacco, bread and other provisions.” The same proposition was made to the Senecas, and the like present as to the other nations. 3 pp. [Col. Entry Bk., Vol. LXXXV., pp. 223-227.]

July 31.

1823. Reply of the Maquas, Oneydas, Onandagas, and Cayonges to the proposals of Lord Howard of Effingham in the town house at Albany. The Maquas spoke first and laid the blame on the three other tribes, but accepted the peace and urged them to do the like. An Onandaga speaker followed, and finally the three erring nations “sang a song of peace, after their manner, with all imaginable demonstrations of joy that the peace was concluded.” In the margin of p. 229 are the names of the sachems present, and of the English. Four large pages. Further letters as to this conference are printed in New York Documents, Vol. III., pp. 347, 417. [Col. Entry Bk., Vol. LXXXV., pp. 231-235.]

Aug. 2.

1824. Abstract of the proposals of the Onandagas and Cayonges Sachems at New York. That the English will protect them from

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the French, or they will lose all their beaver-hunting; that they have put themselves under the King's protection, and given the Susquehanna river to the Government of New York; that Penn's people may not settle on that river; that they have put themselves under the King and given him two deer-skins to write upon them to the foregoing effect. They desire these proposals to be sent to the King with a belt of wampum and another small belt for the Duke of York. Lord Effingham is desired to notice that Penn's agents would have bought the Susquehanna, but that the Indians would not, but made it over to the Government of New York.
Copy. 1 p. Endorsed. Printed in New York Documents, Vol. III., p. 347. [Col. Papers, Vol. LIV., No. 16.]

Aug. 4.

1825. Journal of the General Assembly of Nevis. Colonel Netheway's letter to the Governor and the General Assembly praying to be reimbursed his expenses in presenting the address to the King. The Assembly replied that Colonel Netheway was not employed on the Island's concerns, Captain Crispe being the agent. The Council replied that he was employed by the Governor with consent of the whole Council. The Assembly's reply. "We desire that he may be presented with twenty guineas to buy him a golden (*sic*), and be no further concerned with the public business." The Assembly was then dissolved. [Col. Papers, Vol. LII., No. 4.]

Aug. 4.

1826. Warrant to the Sheriffs of London for the transportation of three hundred malefactors to St. Christopher, to be taken the good with the bad. If Christopher Jeaffreson refuse to take the good with the bad they shall be delivered to some one else. *Signed, Sunderland. [Col. Entry Bk., Vol. XLVII., pp. 163-165.]*

Aug. 4.
Virginia.

1827. Thomas Milner to Lords of Trade and Plantations. Forwarding duplicates of the Journals of the Assembly. [Col. Entry Bk., Vol. LXXXII. p. 308.]

Aug. 5.

1828. Answer of the Senecas to the propositions of Lord Howard of Effingham (see No. 1823). Joyfully accepting the peace. $1\frac{1}{4}$ pp. [Col. Entry Bk., Vol. LXXXV., pp. 237-239.]

Aug. 5.
New Hampshire.

1829. Governor Cranfield to the Earl of Sunderland. Hearing that you were soon to have the care of the Western Station, I acknowledge receipt of your letters to the other Colonies. They have all published the King's proclamation of 12th March last against pirates, as we also have done here, though with some difficulty. A copy is enclosed. I also send the receipts for their letters from Connecticut and New Plymouth; those from Massachusetts and Rhode Island went by last ship. The Captain of a Virginia ship putting into Boston, I sent on board my letters to Sir Leoline Jenkyns, but he refused to carry them without money, as is shown by affidavit enclosed and his own receipts. If this precedent

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be admitted, it will be a great charge to the King's affairs in the Plantations. *Signed*, Edw. Cranfield. *Holograph*. $\frac{1}{2}$ p. *Endorsed*, Recd. at the Committee, 17 Nov. '84. [Col. Papers, Vol. LIV., No. 17, and Col. Entry Bk., Vol. LXVII., pp. 116-117.] *Annexed*,

1829. I. Governor Hinckley to Governor Cranfield. Acknowledging receipt of the letters from England forwarded by him. The King's orders have been carried out. *Signed*, Tho. Hinckley. *Dated* Barnstable, New Plymouth, 25th June 1684. $\frac{1}{2}$ p. *Over page*.—A postscript, giving thanks for small attentions. *Endorsed*, Recd. at the Committee 17 Nov. 1684.
1829. II. Governor Treat to Governor Cranfield. To the same effect. The proclamation of 12th March 1684 has been published in "two of our poor towns." *Signed*, Robert Treat. *Dated*, Milford [Connecticut], 30th June 1684. *Holograph*. $\frac{1}{2}$ p. *Endorsed as the foregoing*.
1829. III. An Act for restraining privateers and pirates. $3\frac{1}{2}$ pp. *Underwritten*: Passed by the Governor, Council, and Assembly, 22 July 1684. *Signed*, Rich. Chamberlain. *Endorsed*, Recd. 17 Nov. 1684.
1829. IV. Receipt of Captain William Fowle for two letters to be carried to England, and his charge for freight, 1*l.* *Scrap*. *Endorsed*.
1829. V. Receipt for Governor Cranfield's letter to Sir Leoline Jenkins. Charge, ten shillings.
1829. VI. Deposition of John Hinks, who carried Cranfield's letters to the ship, that the Captain would not carry them without money. [Col. Papers, Vol. LIV., Nos. 17, 17 I.-VI.]

Aug. 6. 1830. Journal of Lords of Trade and Plantations. Sir William Stapleton's letters of 3rd and 14th May and 8th June read (see Nos. 1660, 1681, 1731). Agreed to lay the two first before the King.

The business of the Bermuda Company. A conveyance of public lands for payment of the Company's debts read. The Lords order the Company to specify how the debts were contracted, and to give an account of the revenue.

Agreed to recommend Governor Cranfield's application for leave of absence.

Memorandum of documents received. [Col. Entry Bk., Vol. CVII., pp. 338-340.]

Aug. 6.

1831. William Blathwayt to Robert Banner. My Lords desire copies of the printed laws, regulations, orders, and decrees now in force in Bermuda, and of the commissions and instructions sent to the Governors; also an account of revenues received for the support of the Government in the Islands or in England, with the orders by which they were raised, and of the duty payable from the next ships and their lading. Pray add to your schedule of debts when

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and for what object each was contracted. Below, A list of the documents furnished by Banner. [Col. Entry Bk., Vol. XVII., pp. 102-104.]

Aug. 8. **1832.** Order of the King in Council. Permitting Governor Hampton Court. Cranfield to go to Jamaica or Barbados for his health; he is to appoint a deputy Governor according to his commission. $\frac{1}{2}$ pp. [Col. Entry Bk., Vol. LXVII., p. 116.]

Aug. 8. **1833.** Extract from a letter from Sir Thomas Lynch. I told Lord Sunderland that Providence was destroyed, and the old Governor's clerk murdered. Our friend Isaac Rush, the Secretary, and about two hundred of all sorts, are come hither, and the rest are sent for. He says it is a just judgment on them, since four or five hundred of them have gone thence for New Mexico. Carolina and those Colonies have certainly become the retreat of these pirates. Copy. $\frac{1}{2}$ p. Endorsed. [Col. Papers, Vol. LIV., No. 18.]

Aug. 11. **1834.** Samuel Trott and William Righton to Francis Burghill. Bermuda. I received yours on 8th July, and same day acquainted the other persons appointed by Mr. Attorney with the King's order in Council. Next day four of us served the Secretary here, for so the Company call their officer, with a true copy, and showed him the original. He told us he would ask the Governor's orders, and we then served another copy on the Governor himself, who said he would summon the Council and give us an answer, but this not without reflections on ourselves and question of our authority. The Council met and made the order, but not till 16th July. We then applied ourselves to the duty required of us, and we would gladly have had assistance, but not only was this refused, but a guard was sent to prevent it. As well as the shortness of the time permitted we have transcribed the Company's letters to the subordinate officers, or, as they now call them, the Janissaries, the Governor being the Aga. Indeed, it is difficult to distinguish between this Government and that of the Grand Signor, except that we have not yet got to the bowstring. According to our orders we asked the Governor and the Sheriff, John Hubbard, for a sight of their commission and instructions from the Company. The Governor totally refused, Hubbard said he would do so when ordered by the Governor and Council. But the Governor turned us out of doors with violence and passion, and offered to fight us with pistol and sword. We enclose copy of what he caused to be publicly read in our meeting-houses, which they call churches. We offer no comment on it, but the design is certainly to expose us, and possibly also the authority under which we act. We must plead shortness of time as an excuse for our shortcomings. Signed. Postscript.—The Governor has since sworn by God that we should peruse no more records for the King's service. The Governor and Council have not only made our duty troublesome, but very expensive. $1\frac{1}{2}$ pp. Endorsed. Read, 23rd February 1684-85. [Col. Papers, Vol. LIV., No. 19.]

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- Aug. 13. **1835.** Journal of Lords of Trade and Plantations. Lord Nottingham informed the Committee that in consequence of the verdict against the Charter of the Bermuda Company the merchants refuse to pay to it its duties on tobacco. Ordered that the Company attend the Lords of the Treasury to give deputations authorising fit persons to receive the duties. Lord Nottingham said further that he was informed that at least fifty families had left Bermuda on the apprehension of Mr. Burghill's appointment as Governor, and a hundred more were preparing to leave. Mr. Secretary Godolphin to report this to the King.

The Acts of Nevis of 22nd January 1684 considered. The Act for ships to enter into additional security referred to Commissioners of Customs; also the Acts prohibiting importation of rum, and for due places for payment of sugar. The Acts for licensing surgeons, against killing negroes, and for instituting a register amended. The Act for raising the price of money referred to the Commissioners of the Mint. The remainder approved.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVIII., pp. 1-6.]

Aug. 13.

- 1836.** Minutes of Council and Assembly of St. Christopher's. Proposals of the Assembly: 1. That a further account be given of the money granted by the King for fortifications. 2. That accounts be furnished of the receipts from fines and forfeitures. 3. That all fines and forfeitures be appropriated by Act to the King, who shall be prayed to grant them for the public service of the Island. 4. That the former order respecting rating of liquors sold by retail be renewed, with some small alteration. 5. That an Act for prevention of engrossment by merchants be prepared. 6. That an Act may be passed prohibiting residents from buying from slaves anything except gourds of molasses, burthens of wood, and such fruits as are commonly gathered, without leave of their masters. Answers of the Governor and Council: 1. We concur. 2. The Assembly may have the account if it will employ its clerk to make it. 3. An Act to this effect has already been sent home. 4. We concur. 5. This is sufficiently provided for by the laws of England. [Col. Papers, Vol. LV., No. 48.]

Aug. 14.
James City.

- 1837.** William Sherwood to Sir Leoline Jenkins. By command of the burgesses I send the loyal address of the inhabitants of Virginia (see No. 1698). I do not presume to give you any information as to the Colony, but news came yesterday that the Senecas or some other foreign Indians have lately killed some of the English at the head of the Rappahannock River. It happens at an ill time, the Governor being at New York. 1 p. Endorsed. Read at the Committee, 8 Nov. '84. [Col. Papers, Vol. LIV., No. 20, and Col. Entry Bk., Vol. LXXXII., p. 299-301.]

Aug. 15.
Virginia.

- 1838.** Thomas Milner to Sir Leoline Jenkins. The House of Burgesses entrusted the despatch of its address to Mr. Sherwood and myself. He has sent the original and I now send the

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duplicate. *Signed*, Thos. Milner, Cl. Assembly. 1 p. *Endorsed*. Read at the Committee, 8 Nov. '84. [Col. Papers, Vol. LIV., No. 21, and Col. Entry Bk., Vol. LXXXII., pp. 301-302.]

[Aug. 15.] **1839.** Sir Thomas Lynch to the pirate, Laurens. I have received your three letters, and thank your most particularly for letting the poor Irishman go. I shall show my gratitude to you when I have opportunity, for any one who treats the English well lays me under obligation, and I expect no less from you who hold a patent from the most Christian King. François le Sage behaves very differently, for he has frequently injured and insulted our ships, and has by present report 60 pirates on board his ship taken from La Trompeuse. I shall inform Mons. De Cussy of this. While you behave with such respect to the justice and friendship that exist between the French and English crowns I am always your friend. *French*. 1 p. *Endorsed*. Recd. 15 August 1684. [Col. Papers, Vol. LIV., No. 22.]

Aug. 20.

1840. Journal of Lords of Trade and Plantations. The business of Bermuda. Agreed that Mr. Cony's letters asking to be continued as Governor be laid before the King.

Lord Howard of Effingham's letter of 25th June read (see No. 1775).

Mr. Meverell's complaint against Sir Thomas Lynch of 9th May read (see No. 1673). The question of the renewal of the order of 12th May 1677 for allowing trade with the Spaniards was referred to the Commissioners of Customs. The Royal African Company summoned for next meeting. [Col. Entry Bk., Vol. CVIII., pp. 7-9.]

Aug. 22.
Edinburgh.

1841. The Earl of Perth and other Proprietors of New Jersey to Governor Dongan. We thought to have found a kind neighbour in you, considering who we are and who your master is. We have spoken with his Commissioners in London as to bringing our Government under New York, and doubt not to have convinced them of the reasons why we are unwilling to do so. We doubt not that the Duke is convinced of our rights in every respect, and we found him to abhor to do anything contrary to what he has passed under his hand and seal. And we persuade ourselves that you will lay aside all thoughts of attempting anything that may reflect on the justice and honour of your master. *Signed*, Perth, Geo. Menzies, J. Drummond. 1 p. *Endorsed*. Recd. 1 April '85. Printed in New York Documents, Vol. III., p. 348. [Col. Papers, Vol. LIV., No. 23.]

August.

1842. Petition of Matthew Meverell to Lords of Trade and Plantations. Was imprisoned by Sir Thomas Lynch for seizing the ship St. Thomas in Port Royal, and is still under confinement. Begs an order to the Governor for his release. 1 p. *Endorsed*. Read 3 Nov. 1684. [Col. Papers, Vol. LIV., No. 24.]

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Aug. 24.

1843. Journal of Lords of Trade and Plantations. The appointment of Lord Rochester in lieu of Lord Radnor as President of the Council, was announced by the King. Ordered that Mr. Cony be apprised that the King will continue him as Governor.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVIII., pp. 9, 10.]

Aug. 25.

1844. Minutes of Council of Jamaica. Colonel Molesworth sworn as Lieutenant-Governor on the death of Sir T. Lynch. Colonel Ivy withdrew, not being satisfied that all the Councillors present had been appointed by the King. The Council also took the oaths. Order for all officers to continue in their places. The Lieutenant brought forward the case of the pirate Banister, in which the Council resolved that Banister be committed on suspicion of piracy for a second trial owing to the failure of justice in the first. Order for his arrest accordingly. *Adjourned sine die.* [Col. Entry Bk., Vol. XXXVI., pp. 53-54.]

Aug. 25.

1845. Governor Cranfield to Lords of Trade and Plantations. New Hampshire. Since my last a French privateer of thirty-five guns has arrived at Boston. I am credibly informed that they share 700*l.* a man. The Bostoners no sooner heard of her off the coast than they despatched a messenger and pilot to convoy her into port in defiance of the King's proclamation. The pirates are likely to leave the greatest part of their plate behind them, having bought up most of the choice goods in Boston. The ship is now refitting for another expedition. I need say nothing of these people. Their own action will be the best proof of their disobedience and insolent deportment. The people of this province also show themselves undutiful towards the King's commands, have torn down his proclamation of the 12th March, and refuse to pay the rates continued in the King's Commission to me. I enclose depositions of the Constables in the various towns in proof. *Signed,* Edw. Cranfield. *Holograph.* $\frac{3}{4}$ p. *Endorsed.* Recd. 28 Oct. 1684. Read 29 Nov. 1684. [Col. Papers, Vol. LIV., No. 25, and Col. Entry Bk., Vol. LXVII., pp. 117, 118.] *Annexed,*

1845. i. The names of the persons who refused to pay the provincial rate for Greenland and Sandy Beach. Sixty-one names. Deposition of John Johnson, constable, that four persons only consented to pay. Sworn before the Governor and Council, 25th August 1684. *Copy certified by Richard Chamberlain.* $1\frac{1}{2}$ pp. *Endorsed.* Recd. 28 Oct. '84. Presented 29 Nov. '84.

1845. ii. A similar list for the town of Dover. Sixty-five names. Deposition of John Gerish, constable, that not one of them would pay. Sworn and endorsed as the foregoing. $1\frac{1}{2}$ pp.

1845. iii. A similar list for the precincts of Dover. Twenty names. Deposition of Anthony Nutter, constable, that they refused to pay. Sworn and endorsed as the foregoing. $1\frac{1}{2}$ pp.

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1845. iv. A similar list for Portsmouth and Strawberry Bank. Fifty-two names. Deposition of John Pickering, constable, that they refused to pay. Sworn and endorsed as the foregoing. $1\frac{1}{2}$ pp.
1845. v. A similar list for Great Island, Portsmouth. Forty names. Deposition of Daniel Ushaw, that they refused to pay. Sworn and endorsed as the foregoing. $1\frac{1}{2}$ pp.
1845. vi. A similar list for Exeter. Seventy-two names. Deposition of John Foulsham, constable, that they refused to pay. Sworn and endorsed as the foregoing. $1\frac{1}{2}$ pp.
1845. vii. A similar list for Hampton. Seventy-nine names. Depositions of John Smith and Nathaniel Bachelor, that they refused to pay. Sworn and endorsed as the foregoing. $1\frac{1}{2}$ pp.
1845. viii. A similar list for Oyster River. Thirty-three names. Deposition of John Woodman, that they refused to pay. Sworn and endorsed as foregoing. $1\frac{1}{2}$ pp. [Col. Papers, Vol. LIV., Nos. 25, I.-VIII.]

Aug. 26. 1846. Commission to Thomas Hudson, Robert Hewitt, Charles Penhallow, and Reginald Wilson, or any three of them, to examine the accounts of Thomas Martin, deceased, late Receiver-General in Jamaica. Countersigned, Samuel Bernard. Copy. 1 p. Endorsed. Recd. 23 Nov. 1684. [Col. Papers, Vol. LIV., No. 26.]

Aug. 26. 1847. The Duke of York to Governor Dongan. My commissioners are despatching the bills you sent over, particularly those which contain the franchises and privileges of New York. If any alterations be made they will only be for the advantage of the people, or to bring the laws nearer to the laws of England. Meanwhile, having heard that some of your neighbours try on various pretences to obstruct the trade of New York and Albany, you will suffer no innovation within that river, nor any goods to pass up it but such as have paid duty at New York, so as to keep the benefits of trade to the inhabitants, and the duties for the support of the Government. If you find that the people of New Jersey trade with the Indians, except by the river of New York, you will do your best to prevent it, as I wish to preserve the Indian trade for the benefit of New York above all others. Printed in New York Documents, Vol. III., p. 348. [Col. Entry Bk., Vol. LXX., p. 48.]

Aug. 27. 1848. Sir John Werden to Governor Dongan. Your proposal to encourage the erection of a fishery at Pemaquid we hope may be successful. We trust that you will get enough to join you, but we do not think it well to embark the Duke in expense till your affairs are better settled. We do not understand your request for a ship to transport passengers. We should be glad if you could nominate a man able to procure a sufficient company of people to go to New

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York, and then we will see about making their passage easy. Do you mean the ship to remain there, or to pass to and fro? We shall send you arms and ammunition as soon as may be. Post-houses from Carolina along the coast to Nova Scotia seem a very reasonable thing. You may offer it to any contractor for three or five years, by way of farm, reserving at least a tenth, or what profit you may think fit, for the Duke, the farmers to account to him on oath or by audit. We think you were right when you asserted the Duke's title to the profits of the Post Office in all the King's dominions. The Duke designs the house which you wish for, to be the Governor's residence, so you may make use of it during your government. You mention that you have approved of a port at the east of Long Island, for the benefit of the inhabitants. You will take care that the Duke's revenue is increased thereby rather than his expenses, and that the Acts of Navigation are not infringed. You say Captain Billop will sell his plantation in Staten Island; it would be better that someone from New York should buy it than one from New Jersey. We are not averse to your proposal for a mint, but postpone the matter for the present. Guard your interest on the Susquehanna so as to keep New Jersey and Penn from getting hold of it. They will push their charters as far as New England. Call to account any owners of large tracts who have not improved them. *Printed in New York Documents, Vol. III., pp. 349-50. [Col. Entry Bk., Vol. LXX., pp. 49, 50.]*

Aug. 27. **1849.** William Blathwayt to Deputy Governor Richard Cony. I rejoice to tell you that you are to be continued as Governor. The settlement of the government of Bermuda is now before the Lords of Trade. I shall be glad if I can be of service to you therein. [Col. Entry Bk., Vol. XVII., p. 102.]

Aug. 28. **1850.** Receipt for the tribute of seven beaver skins reserved in Whitehall. the King's grant of Mounthope. *Signed,* William Blathwayt, [Col. Entry Bk., Vol. LXI., p. 211.]

Aug. 29. **1851.** Governor Cranfield to [William Blathwayt]. The King's letter (*see ante, No. 1582*) has arrived seasonably, for there is a French privateer refitting in the dock at Boston which has made great depredations among the Spaniards. Some of the Spanish prisoners have run away and come here for sanctuary (which they shall have and all friendship besides), and told me that they were captured off Carthagena by the men that plundered Vera Cruz. She is called La Paz. The Francis lies off the coast and is to come in when they have sent out La Paz. They are both extraordinarily rich ships, chiefly through spoil of the Spaniards, though they have spared none that they met at sea. If the King could have spared a frigate for this coast it would have been more to the King's advantage than St. Helena, for most of the English plate-ships that have come into Boston during the last two years, though they pretended to have recovered their goods from wrecks,

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have robbed the Spaniards of the greater part of it and could all have been prizes to the King. It is well that their Government is almost at an end, or Boston would have been a receptacle for all the pirates in these western parts. Pray communicate this to the Lords. They will see how well the Bostoners have complied with his proclamation of 12th March. Though none were so ready to pass the Jamaica Act against pirates, they have never observed it nor the proclamation since. *Extract.* 1 p. *Endorsed.* [Col. Papers, Vol. LIV., No. 27.]

Aug. 30.

1852. Colonel Hender Molesworth to the Earl of Sunderland. It is a sad occasion that obliges me to write to you. Sir Thomas Lynch died on the 24th instant, and I assumed the Government in virtue of my Commission as Lieutenant - Governor. Captain Banister, who left this port on a privateering design, was lately brought in by the Ruby, Captain Mitchell, and put on his trial for piracy during the first days of Sir Thomas's sickness. By corruption of the evidence and mismanagement of the case, the grand jury threw out the bill. The story was this. Banister after leaving this, as if bound for New England, sailed to Petit Guavos for a French Commission, which was refused him. He is said to have received the promise of one from Mons. Grammont, but without any commission he took a canoe with two Spaniards on board, and had them with him when captured by Captain Mitchell. Afterwards, when in port, he was allowed by the carelessness of the master to communicate with some of his friends ashore, who sent him money, wherewith he paid the Spaniards for their canoe and cargo, as well as their wages as sailors for the time that they were aboard his ship; for all of which they gave him a discharge, dated after he came into harbour. On the day of the trial the two Spaniards were sent up to give evidence, without any care to strengthen their testimony or confront them with their original declaration to Captain Mitchell, and they said that they had sold their canoe and cargo, and were on board the ship voluntarily. Thereupon the jury threw out the bill, the news whereof gave Sir Thomas Lynch such disturbance of mind as much increased his disease. He resolved to have him tried again, and I also; so he has been arrested, for he is not yet sufficiently discharged by law, and it would be a dishonour to let such a shame on the justice of the Island to pass, particularly as he has threatened Captain Mitchell with an action for damages, as though he were the honestest man in the world. I understand that Sir Thomas Lynch has asked your directions on several matters; 1, as to our attitude towards French privateers, and 2, towards Spaniards who capture honest traders; 3, as to the support to be given to our trade with the Spaniards in English manufactures, and as to the encouragement to be given to Spaniards who come here to buy negroes. I venture to press for the King's orders on these subjects. *Signed,* Hender Molesworth. *Copy.* 3½ pp. [Col. Papers, Vol. LIV., No. 28.]

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- Aug. 30. **1853.** The Same to Lords of Trade and Plantations. To the same effect as the foregoing. *Holograph.* 3 pp. *Endorsed.* Recd. 23 Nov. 1684. Read 24th. [Col. Papers, Vol. LIV., No. 29, and Col. Entry Bk., Vol. XXX., pp. 280-283.]

- Aug. 30. **1854.** Deposition of George Stanley. Sailed with the sloop Africa from Nevis to St. Thomas in August 1683. After two days H.M.S. Francis, Captain Carlile, came in, and the two ships went down in company to recover a New England sloop captured by pirates and seized by Governor Esmit, but found it staved. Parted company with the Francis and sailed for St. John's, where fell in with a Spanish ship under Manuel Rodrigo, who pursued and captured deponent's ship and, shutting him and all his men into the hold till they were nearly stifled, brought them to Porto Rico. Here they were put ashore, imprisoned, and forced to work like slaves for sixpence a day. Several more English were at Porto Rico. Sworn before Joseph Martyn, 30th August 1684. 2½ pp. *Endorsed,* "Recd. from Governor Stapleton, 3 Nov. 94." [Col. Papers, Vol. LIV., No. 30.]

- Aug. 30. **1855.** Deposition of Richard Everson, of the boat Hopewell, which sailed in company with the Africa from St. John's, confirming George Stanley's account of the capture of the Africa and of his own boat with it, and of their subsequent sufferings. Sworn before Joseph Martyn, 30 August 1684. 2½ pp. *Endorsed,* "Recd. from Sir W. Stapleton, 3 Nov. '84." [Col. Papers, Vol. LIV., No. 31.]

- August. **1856.** An account of disbursements laid out for the building of a fort at Port Rossignol, for the encouragement of fishing and safeguard of fishermen, August 1684, under the management of Mr. Thomas Russell, and at the expense of Sir Thomas Russell, Knight and Baronet. Total, 1,012*l.* *Below.*—A memorandum stating that the fort was built because fishermen refused to settle there without it, but that the fishing season was so bad that the fishermen would pay no tributes or dues, so that the undertakers gained nothing. Signed, Tho. Russell. 2 pp. *Endorsed but undated.* [Col. Papers, Vol. LIV., No. 32.]

- Sept. 1. **1857.** Colonel Hender Molesworth to William Blathwayt. Reports Sir Thomas Lynch's death and Captain Banister's trial (see No. 1852). Once more there is a Spaniard among us, notwithstanding him who was lately maliciously frightened away (see ante, No. 1759), so that if the people keep quiet and negroes are to be had we have an opportunity of redeeming our credit. He anchored in the Cays at first till he could make terms for his security in harbour. He proposed some impracticable things with which I could not comply, and having no time, being in the middle of my despatches for London, to bring the matter yet to any conclusion, I have only given him permission to enter the port. As to granting him wood and water, I shall follow the precedent of Sir Thomas Lynch pending further orders. I should be

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glad of directions how to act in the following cases (*repeats the four queries as in No. 1852*). We have advice from Panama of about a hundred men, supposed to be English, who on coming into the South Sea sunk their own vessel, and, with the assistance of some of the Darien Indians, marched up to the Mines. Being driven back they seized three brigantines and took to sea again and robbed some vessels and towns on the coast. The President of Panama sent out three periagos with three hundred men who came up with them and put them to flight. The Spaniards lost fifteen killed and twenty-one wounded, from whose bodies they took several bullets all chewed and gnawed with the teeth. The President sent some to all the Governments thereabouts to create in them abhorrence of these villains, and one here to be shewn to the Governor that he might report to the King the villainies of his subjects. The pirates we hear lost forty men, and the survivors went to a town where they were well received by the principal women, who invited them to come again. After another expedition, therefore, they returned to these their friends, who meanwhile had laid a train for them, so that they were all cut off by an ambuscade. One man only, they say, was sent into Panama, whose declaration was taking when our informants came away. They mention the name Peter Harris, but whether he were the commander or the survivor I know not.

The Ruby frigate must be careened shortly. It would be well if she could go straight home directly after, but she is not fit for a winter voyage, and the Captain tells me it will be as much as we can do to make her fit to go home in the spring. I am expecting orders for the Guernsey, which is in much the same condition as the Ruby. The Receiver-General's death has thrown the accounts into such disorder that it is hard to guess when Sir Thomas Lynch's and other salaries will be paid. Four auditors have been appointed to adjust the accounts (*see No. 1846*), but when that is done and the Receiver's just debt known we shall be at a loss to obtain present satisfaction without ruining the estate, for he left no money, and it will put the Government to great present difficulty to await the produce of his plantations. Sir Thomas Lynch ordered a *scire facias* to be brought against his executors for the office, but as nobody appeared the matter must await new orders from England. Mr. Penhallow who at present executes the office is very well qualified in every way for it, as Sir Thomas Lynch has already informed you. The Clerk of the Council sends the Minutes taken at my entrance upon the Government. You will see that Colonel Ivy, not being satisfied either by the minutes or the statements of members as to Captain Bourden's being of the Council, withdrew himself without taking the usual Councillor's oath. On the whole he is a fair riddance, for he has not attended Council for eighteen months, and then rather to hinder than further business. He came to me next day with many apologies and asked to see the King's letter by which Bourden was appointed. I told him that no doubt Sir Thomas Lynch had preserved it, but that I thought the Council had offered him already more satisfaction than was

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necessary. So he remains secluded by his own act till their Lordships' further order. Of his sense and temper you may guess much by this passage. I suppose that Sir Thomas Lynch wrote you his intention not to let the Assembly sit on the day that they were prorogued to, since he saw the people were running into strange jealousies over the not passing of the Act for governing of slaves. He thought it inconvenient for them to meet till he could answer them, desiring you to furnish him with reasons which I await, and in the interim I shall be forced to prorogue them to a longer day. *Copy. 6 pp. Endorsed. Recd. 23 Nov. 1684. Read 24th. [Col. Papers, Vol. LIV., No. 33, and Col. Entry Bk., Vol. XXX., pp. 283-293.]*

[Sept. ?]

1858. Draft of an Act for Jamaica to encourage shipping and ascertain tonnage. $1\frac{1}{4}$ pp. *Endorsed. [Col. Papers, Vol. LIV., No. 34.]*

Sept. 8.

1859. Minutes of Council of Jamaica. Samuel Barry and Sir Charles Modyford took their seats at the Council Board. Colonel Ivy presented himself to be sworn but was ordered to withdraw. After debate, the Council resolved that he should not be admitted until the King's pleasure were known. He replied that he could write home too, and would have no tricks put upon him. Ordered, that the Assembly be prorogued to 10th June next, and the Chief Justice Bernard and Francis Hickman be paid their salaries. Roger Elletson's petition read, praying for immediate trial or restitution to the practice of his profession at the bar. Resolved that the Council cannot discharge him till receipt of further orders from home. On the petition of Matthew Meverell his recognizance was withdrawn. *Adjourned sine die. [Col. Entry Bk., Vol. XXXVI., pp. 54-55.]*

Sept. 10.
The Tower.

1860. Petition of Edward Gove to Lords of Trade and Plantations. Has been a prisoner nineteen months, fifteen of them in the Tower, and the King has granted him life, release from irons and freedom to take the air. Has great hopes of freedom if he can obtain copies of his indictment, trial, and condemnation, and begs that they may be furnished to him. 1 p. *[Col. Papers, Vol. LIV., No. 35.]*

Sept. 12.

1861. Minutes of Council of Barbados. Sir Richard Dutton and seven members present, the Governor having arrived on the 10th instant. Order for issue of writs for the summoning of an Assembly. List of persons to whom writs were addressed. *[Col. Entry Bk., Vol. XI., pp. 539-540.]*

Sept. 12.
Boston.

1862. William Dyre to Sir Leoline Jenkins. In obedience to the royal proclamation of 12th March and letter of 13th April 1684, I have made seizure of a privateer "of the first magnitude, famous in bloodshed and robberies," called La Trompeuse (commanded by one Michel Andreson, Bhra, or Lavanza, a reputed Frenchman). I have moved for justice against him but have been delayed, and

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much discouraged and severely threatened by many, and more especially by one Mr. Samuel Shrimpton, a merchant of this place, to have my brains beat out or a stab for seizing the said ship. He has supplicated, succoured, countenanced and encouraged her, and taken her into his custody and keeping at Nodles Island, the place and receptacle of all piratical and uncustomed goods, also the guns, ammunition and all, though under seizure by myself for the King's use, resolving and boasting to defend the same and fit the ship out again. He has also received clandestinely great quantities of their gold, silver, jewels, and cacao within the compass of my seizure and claim. I beg the King's order that the ship may be delivered to me, and that I may bring her home, also that all such abettors of pirates may be punished. I send great quantities of the piratical plundered gold by this ship, and the rest will follow. I have also caused Captain Thomas Paine, the arch-pirate, to be secured, and charged the Governor of Rhode Island with him and with his own neglect for not assisting the Deputy-Collector to seize him and his ship. *Signed, Wm. Dyr. 2 pp. Inscribed.* Recd. 25th October 1684. *Annexed,*

1862. i. Act of the General Court of New England against piracy. 9th July 1684. *Printed. 2 pp.*

1862. ii. Relation of T. Thacker, Deputy-Collector, 16th August. I arrived at Newport, Rho-le Island, upon information of an unfree bottomed ship, one Paine commander. By seven or eight at night I had satisfied myself as to the character of the ship, waited on Governor William Coddington, and showed him my commission and demanded his assistance in seizing her. He put me off, promising to answer me next morning, by which time the pirates had time to arm themselves against arrest. I went to the Governor next morning, but instead of giving assistance he avouched her a free bottom as having a commission from Sir Thomas Lynch, Governor of Jamaica I asked to see it, and it was presented by Paine, in presence of Governor Dongan of New York and Cranfield of New Hampshire and others. It appeared to be a forgery, Governor Cranfield and others affirming that it was not Sir Thomas Lynch's hand, nor were his titles correctly given, but Governor Coddington was of other mind and declared her a free bottom. I answered that I dreaded the consequences but that the responsibility must lie with him. Next day, the 18th, I again urge him to help to seize the ship and men, and especially Thomas Paine, as the Commission was certainly false, and the ship had not been to Jamacia but on a piratical cruise, and had plundered the town of St. Augustine. He replied that the Court of Law was open, and that if I could prove anything against Paine he would give me justice against him, but would not concern himself further. I answered that I had done my duty and would deliver my charge against him, not doubting to prove it, if he would help me to arrest him,

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but he again refused and also denied me a copy of Paine's commission. Next day he sent me word that he would send me a copy, but never did. On the 20th I reached Boston and sent him one of Sir Thomas Lynch's passes to convince him, but he would not see with eyes like other men. *Signed, T. Thacker, Dep. Collector.* 2 pp. *Endorsed.*

1862. III. The Royal Proclamation against privateers of 12th March 1684, printed by order of the Governor and Council of Massachusetts 4th September 1684. *Broad sheet.*
1862. IV. List of the pirates on board the La Trompeuse, 198 names, twelve of them English. *Below.*—"The several nations on board known are, French, Scotch, Dutch, English, Spaniards, Portugals, Negroes, Indians, Mullattos, Swedes, Irish, Jersey men, and New Englanders." 3 pp.
1862. V. List of the enclosures sent by Dyre, eleven in all. *Endorsed.* Boston, 12 September '84. Received 25 October. [Col. Papers, Vol. LIV., Nos. 36, 36 I.-v.]

Sept. 15. 1863. Extract of a letter from Boston. Our General Court met on Wednesday last to consider whether to give power to the agent in England to answer the *scire facias*, which some ignorant rulers represent to the people as a poor toothless creature, and others as like their spirits, which hurt none but those that converse with them. It is supposed that they have furnished Mr. Humphreys with some little dilatory excuse, and adjourned in order to let the ship go, promising riper resolutions by next ship. When the last ship sailed I was but just returned from the eastward. When there I satisfied myself of success in my own concerns, and of a peaceable compoſure of all differences as to property within my circle. Having assembled all the Sagamores for nearly a hundred miles round, I expostulated first on the last unhappy war and declared to the power and wisdom of the King and his interest in all his subjects, English and Indian. I insinuated how acceptable an address from themselves of subjection to the King would be to His Majesty, and they seemed to rejoice at the occasion. They expressed the great honour in which their ancestors had always held the Kings of England, and gave instances of their kindness to them. They declared that they were not willingly engaged in the last war with the English, and that when the King should send persons of worth, unconcerned in former controversies, they would submit all differences to his determination. They promised faithfully for themselves, and to charge their children to yield cheerful subjection to the King of England, and obey all his commands against all his enemies, and to endeavour to make his name great among the remoter Indians. This seeming sufficient matter for an address, I followed their phrase as near as I could and drew it up, which they cheerfully signed, most of the Sagamores perfectly understanding it and being able to discourse of it in English. This done they drank the health of the King and the Duke with all the

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honour and ceremony that the persons and the place were capable of. I afterwards presented the six chief Sagamores that signed the address with six double-laced red coats, and as many fine shirts, which they joyfully accepted and put on as His Majesty's livery. To six more of inferior rank I gave six coats of the same cloth, single laced, and six shirts ; and to the rest of the men, whom the Sagamores called their soldiers, I gave duffle-coats, knives, powder, &c., to the women counterfeit jewels, bracelets, beads, and other toys, and dispensed to their cooks, bread, corn, mutton, pork, fruit, sugar, wine, and strong water, with which they merrily feasted their whole camp. They expressed so great satisfaction with these presents that they importuned me to rebuild, and come myself. However, to procure some of King Charles his men (*sic*), as their phrase is, and my friends to settle a town at Pojepscot, which indeed, is a pleasant and commodious situation (though something barren) for a town or city, I told them I would try to make a settlement there as soon as I had the King's leave and orders ; but meanwhile that I durst not undertake any settlement as the King was about to take the whole of New England under his immediate Government, and that I supposed he would no more permit his subjects to scatter and settle themselves so loosely as formerly, but only in such towns and order as that they might be able to defend themselves and assist or shelter their Indian friends in case of invasion. I sent the address home by last ship, and keep a duplicate by me as a testimony against them in case they should be drawn into any defection. These are the most powerful, politic, warlike, and numerous nation of Indians since the Narragansetts are broken, and influence and steer all others that inhabit the English colonies. And since no instrument or ceremony of subjection to the English Crown had been taken of them, that I can hear of, I thought it now high time, the more so since Mons. de la Barre, the French General in Canada, was already on his march against the Maquas or Mohawks, with fifteen hundred French, and intended to levy 2,500 Indians. His savages having intimate correspondence with the Andress Coggans, I thought it the English interest to keep them unconcerned and ready for the King's orders and service, in case the French success against the Maquas and other Indians in amity with us should require it. I am prompted also by good information that sundry inland Indians, who live about sixty miles from Hadley, near the head of Connecticut river, and within the Massachusetts, came to Hadley or Northampton and said that the French had sent to them to purchase lands, but that if the English would buy them the French should have none. The English, to whom this offer was made, told the Indians that they would recommend the matter to the General Court in October ; but the Indians, being impatient of the delay, and uncertain of the result, presently struck a bargain with the French, who were awaiting their return. I learned also that the French are fortifying, have settled a town, and are subduing the land very vigorously, and it is supposed that the securing and strengthening of this place

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was as much the object of Mons. de la Barre's expedition as war with the Maquas, for the country there is the most pleasant, fertile, and commodious for plantation and empire of any place between Albany and Quebec. The French, being fortified then, may easily intercept the Albany trade and break the balance of the Indian power by assisting some nation against others, or force all to an union and to service to the French King, of whose growing power little notice is taken here. The fear of the regulations of the Government, and care to evade the effects of the *quo warranto* and *scire facias*, make all other matters inconsiderable. I send my son copies of Mons. de la Barre's commission and instructions to Mons. La Vallière, Governor of Acadia, to maintain a good correspondence with the English, and permit them their former liberties to fish and fetch coals on their coast. He has also Mons. la Vallière's commission to Mr. Nelson to grant licences, pursuant to which sundry fishing vessels went thither this year, and took licences and paid their acknowledgments to one or other of them, and having made their voyages are preparing to return. Mons. Bergier, Lieutenant to a newly-created Company in France, without even publishing his pretensions or power, or giving any time for the vessels to depart and carry away their fish, has surprised and carried away eight or nine of our ketches, and though he has had many opportunities gives no account to the Governor of Boston. I send also a copy of Mons. de la Barre's letter to our Governor, announcing his expedition, and inviting him to concert. *Copy. Unsigned. 4 pp. Endorsed, Read 17 and 22 Nov. '84. [Col. Papers. Vol. LIV., No. 37, and Col. Entry Bk., Vol. LXI., pp. 213-216.] Annexed,*

1863. i. Copy of the Commission of Mons. Le Febure de la Barre to Mons. La Vallière. *Dated 4th October 1683. 1 p. French. Endorsed.*

1863. ii. Copy of instructions from the same to the same in favour of Mr. Nelson. This mentions that the English have always carried provisions to Port Royal and other places in Acadia, and that without their help this country would be abandoned. *4th October 1683. 1½ pp. French.*

1863. iii. Governor de la Barre of Quebec to the Governor of Boston. Announcing his intention to march against the Iroquois of the West, and inviting him to second him. *Copy. 2 pp. Dated, Quebec, 29 June 1684. French. Endorsed.*

1863. iv. Governor de la Vallière of Acadia to the Governor of Boston. Expressing regret that he hears from France by M. Bergier that the commerce between the two provinces is about to be forbidden. Cannot think that Bergier's action in seizing two ketches of Boston will be approved, and will do his best for them. *Dated Port Royal, 8 August 1684. Copy. French. 1½ pp.*

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1863. v. Order of the Governor of Acadia for collecting the tax, due from the English fishermen on that coast, at Boston. *French. Dated 22 October 1682. [Col. Papers, Vol. LIV., No. 37 1-v.]*

Sept. 16.

1864. Minutes of Council and Assembly of St. Christopher's. The Governor and Council proposed that every owner should send half his negroes to work on the fortifications on Cleverly Hill, each parish to take its turn, for twelve weeks. Refused by the Assembly owing to the heaviness of the crops. Proposed by the Assembly : 1. To petition the Governor to order the Marshal to make a modest demand before levying execution. 2. The House desires to know if the Marshal or some other officer is not bound to wait upon it when it meets ; which officer it desires may be sworn to secrecy. 3. It desires to know who are those public officers, and are they sworn or not ? 4. It desires that members may be excused from military service, except on alarms, unless they be commissioned officers. Answers of the Governor and Council : 1. The Governor will do so. 2. An officer ought to attend ; but nothing is known of an oath of secrecy ; we will consult the Governor. 3. Mr. John Barry and Mr. John Soudon are jointly concerned. 4. Referred to a former answer. *[Col. Papers, Vol. LV., No. 48.]*

Sept. 27.
Jamaica.

1865. Colonel Hender Molesworth to the Governor of Trinidad on Cuba. No sooner had I entered upon this Government on the death of Sir Thomas Lynch, when I received many complaints from honest traders and fishermen of injuries received from your nation, who treat them without any distinction as pirates and robbers. Among others, Derick Cornelison, with his sloop belonging to this harbour, was attacked without any warning by Don Juan Balosa, while peaceably trading on your coast, and taken into port, where his sloop and goods were condemned, to the value of 6,000*l.*, his men kept prisoners, and himself threatened with death till he was forced to fly to save his life. The pretence was that he was lieutenant of a galley sent hence by the late Governor for suppression of pirates. It is well for you that he escaped, or the whole town of Trinidad would have been too poor a satisfaction for such a violation of the law of nations. We have the same law as you against trading with foreigners, but we do not treat your ships as you treat our sloops. If we suffer your ships to trade we protect them afterwards, and if not we give them fair notice to be gone. You permit the sloops to trade for a little to be the more sure of seizing them. I request a copy of the process by which the sloop was condemned, for the satisfaction of the owners, and that you will deliver the prisoners to Captain Stanley of His Majesty's sloop Bonito. I would beg you also to return them their sloop, and be content with the confiscation of their goods, or at least to befriend them in the redemption of the vessel. *Copy. 2 pp. Endorsed. Recd. 26 Nov. '84. [Col. Papers, Vol. LIV., No. 38.]*

Sep. 17.

1866. Instructions from Colonel Molesworth to Captain Stanley, H.M.S. Bonito. You will receive on board the bearer, Derick Cornelison (*see preceding abstract*), and proceed to Trinidad

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in Cuba, where you will deliver my letter to the Governor, demand the prisoners as the King's subjects, and also fairly entreat him for the account of the trial by which the sloop was condemned, which if he denies, mark well his answer, but insist not too much. Ask him also in an amiable manner to befriend the master in rebuying his sloop. It is unlikely that he will refuse you the prisoners. The owners will repay you for victualling them. Take notice that the bearer was lieutenant of the galley which went near to take Juan Corso the pirate, for which the Governor of Trinidad threatened to kill him. *Copy.* 2 pp. *Endorsed.* Recd. 26 Nov. '84. [Col Papers, Vol. LIV., No. 39.]

Sept. 19.

1867. Colonel Hender Molesworth to William Blathwayt. I had occasion to send Captain Stanley over to Trinidad in Cuba to demand a sloop and prisoners, and have ordered a copy of my letter to the Governor of Trinidad and of my instructions to Captain Stanley to be sent to you (*see preceding abstracts*). This is now the fourth day that the grand jury has sat over the bill of indictment of some of Banister's people, and are not yet agreed, nine being for *Ignoramus* and four for a true bill. The result is that those who were to have been approvers will now confess nothing, but rather say that their previous confessions were extorted from them by Captain Mitchell. The judge was in fault in not making them confess before the coroner, but he says that the evidence is so plain that no one could have expected a grand jury to hesitate. They will not believe the Spanish witnesses, who swear backward and forward, but that is no reason for a grand, though it may be for a petty, jury. However, they are obstinate, having Ellerton, who is Banister's counsel, for their instructor. The directions of the judges seem also to have been faulty. I have just heard that one of the jury has been carried home ill and likely to die, and considering that it is very expensive to maintain a number of prisoners in custody, and that Banister is not likely to run away, I have ordered the Court to be adjourned *sine die*, but without discharging the prisoners. *20th September.*—The sick jurymen is dead, and the jury is dissolved. Banister has been bound over in good security to appear at the next Court for trial of pirates, and the four seamen likewise. *Extract.* 3½ pp. [Col. Entry Bk., Vol. XXX., pp. 294–297.]

Sept. 22.

1868. William Blathwayt to Henry Guy. My Lords desire the opinion of the Commissioners of Customs on the enclosed Acts of Nevis, for prohibiting importation of rum and molasses, for appointing due places for payment, and for raising the price of money. [Col. Entry Bk., Vol. XLVII., p. 168.]

Sept. 22.

1869. The same to the same. My Lords desire the opinion of the Commissioners of the Mint on the Nevis Act for raising the price of money. [Col. Entry Bk., Vol. XLVII., p. 169.]

Sept. 23.

1870. Minutes of Council and Assembly of Antigua. The Council proposed to the Assembly that measures should be taken for

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bringing the gun-carriages to the fort, and finishing the fort itself. The Assembly concurred. The Assembly sent up an Act to confirm the possession of lands. [Col. Papers, Vol. XLIX. No. 81.]

Sept. 24. **1871.** The Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly account of the proceedings of the Council and returns of imports. *Signed*, Henry Walrond, Tho. Walrond, Tim. Thornhill, Edwyn Stede, John Peers, Robert Davers, Fran. Bond. 1 p. *Endorsed*. Recd. 7 Feb. 1684/5. [Col. Papers, Vol. LIV., No. 40, and Col. Entry Bk., Vol. VII., p. 265.]

[Sept. 25.] **1872.** Laws and Orders for public levies in the Bermudas. Account of the public lands and the public charge of the company. 6 pp. *Copies*. Certified by Robert Banner. *Endorsed*. Recd. 25 Sept. '84. [Col. Papers, Vol. LIV., No. 41.]

[Sept. 25.] **1873.** Laws, Commissions, and Instructions of the Bermuda Company. 26 pp. [Col. Papers, Vol. LIV., No. 42.]

Sept. 27. **1874.** Commissioners of Customs to Lords of Trade and Plantations. We have considered the Acts of Nevis. We see no objection to the first, for prohibiting the importation of rum and molasses, nor to the second which appoints the lawful places for receiving goods. We presume that Charlestown and Jamestown, at which the four-and-a-half per cent. duty is appointed to be paid, are suitable places. As to the third for raising the price of money, we object. (See next abstract.) *Signed*, J. Buckworth, N. Butler, Wm. Dickinson. 2 pp. *Endorsed*. Recd. 3 Oct. '84. Read 3 Nov. '84. [Col. Papers, Vol. LIV., No. 43, and Col. Entry Bk., Vol. XLVII., pp. 169, 170.]

Sept. 27. **1875.** Commissioners of Customs to Lords of Trade and Plantations. As to the Acts of Nevis, we conceive that the third, for raising the price of money, will be most inconvenient to traders. The piece-of-eight is worth but 4s. 6d., and to raise it to 6s. is to increase it by one fourth of its true value. Besides the coin is liable to be clipped or debased. We are of opinion therefore that no rate should be set on money other than according to its real intrinsic value, and that no price be set on goods to be sold, but that it rise and fall according to the scarcity and plenty. *Signed*, N. Butler, J. Buckworth, W. Dickinson. *Copy*. 1 p. [Col. Papers, Vol. LIV., No. 44.]

Sept. 27. **1876.** Commissioners of the Mint to Lords of the Treasury. As to the Act of Nevis for raising the price of money. It can be of no possible advantage and of great possible prejudice to the trade of the Island to raise the piece of eight from 4s. 6d. to 6s., for the price of commodities will rise in proportion to the money. Trade is not balanced by notions and names of money and things but by intrinsic values. Nor will the law attain its end of hindering the

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exportation of money, for prices will rise in proportion to the money and the conditions will be the same. If the merchant finds no commodity which will bring him profit in England, he will take pieces-of-eight as heretofore; if there be commodities more valuable than money, there is no need to prohibit the exportation of money. But since the Island wishes to try the effect of the law, we submit the following considerations, which, in our opinion, are absolutely necessary to be enjoined at the same time. 1. That pieces-of-eight be made certain in weight as well as in value, or there is no safety for the merchant. 25 per cent. excessive nominal value does not compensate for 10 or 15 per cent. actual deficiency in weight. 2. Pieces-of-eight being the standard of all the current coin, all other species must be current in their intrinsic value as proportioned to the piece-of-eight, or such species as are better intrinsically than that proportion will be brought away and all the worse left. 3. That no commodity have at any time a fixed price set on it, but rise and fall in the market according to plenty and scarcity, or he will receive no more than three-fourths of the set price, and if that be less than he can afford to sell at, the trade will be disturbed and wholly lost. *Signed.* John Buckworth, Cha. Duncombe, Ja. Hoare. *Copy.* 2½ pp. *Endorsed.* Recd. 16 Oct. '84. [Col. Papers, Vol. LIV., No. 45, and Col. Entry Bk., Vol. XLVII., pp. 171-173.]

Sept. 29. **1877.** Instructions to John Moore, Receiver of the part of Carolina lying west and south of Cape Fear. ½ p. [Col. Entry Bk., Vol. XXII., p. 25.]

Sept. 30. **1878.** Journal of Lords of Trade and Plantations. Lord Baltimore's dispute with Mr. Penn was appointed to be heard on 9th December, by which time Mr. Penn was expected to have returned to England.

Lord Howard of Effingham's letter of 17th June and Mr. Spencer's of 26th May read (see Nos. 1750, 1706). Lord Baltimore to be spoken to concerning his claim to the Potomac river.

Petition of Edward Gove read (see No. 1860) and refused, he being under condemnation for high treason.

Laws of Nevis resumed. The Acts for appraisement of property, touching executions, concerning survey of lands, for establishment of Articles of War, amended; the rest approved. Laws of Montserrat. The Acts prohibiting a second sale of lands, and respecting assignments of accounts amended; seven others approved. [Col. Entry Bk., Vol. CVII., pp. 11-15.]

Sept. 30. **1879.** Minutes of Council and Assembly of Antigua. John Yeamans, Archibald Cochran, and John Lingham sworn of the Council. Caesar Rodeney sworn of the Assembly. The Council sent down the Act to confirm possession to the Assembly, which was returned passed. The Assembly answered as to forts that they wished them to be finished, and that an order should be passed by the Treasurer for pay of matrosses. The Council sent down a list of things necessary for the forts and desired the Assembly to make

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speedy provision for the same. The Assembly assented. The Council was dissatisfied with the Assembly's answer as to the gun-carriages, but concurred as to pay of matrosses. The Assembly rejoined that it knew of no Act that obliged it to enlarge the forts, and the Council answered that there was no intention of enlarging them, but that they ought to be finished and not neglected. [Col. Papers, Vol. XLIX., No. 81.]

Sept. 30. **1880.** Minutes of Council of Barbados. Return of the writs for the Assembly, and list of members. The members of Assembly and some of the Council took the oaths of allegiance and supremacy and signed the test. Richard Seawell presented as speaker. The Governor after his speech to the Assembly submitted to them the following proposals, viz., to pass Acts (1) to regulate Grand Sessions; (2) to punish wanton murder of negroes; (3) for putting down piracy; (4) to regulate the militia; also (5) to erect a common gaol; (6) and to repair and pay expense of fortifications. [Col. Entry Bk., Vol. XI., pp. 540-543.]

Sept. 30. **1881.** Journal of Assembly of Barbados.

List of Members:—

Lieutenant-Colonel John Codrington	} St. Michaels.
Stephen Gascoyne	
Lieutenant-Colonel William Foster	} St. Peters.
Captain John Berringer	
John Davis	} St. Thomas.
Lieutenant-Colonel James Carter	
John Heathersell	} St. John's.
Captain John Leslie	
Richard Seawell	} Christchurch.
Robert Bishop	
Captain Michael Terrill	} St. Lucy.
Captain Samuel Lambert	
John Reid	} St. James.
Major Thomas Holmes	
Captain Peter Evans	} St. Philip.
Captain George Bushell	
Major Abel Allen	} St. Andrews.
Captain John Mills	
Lieutenant-Colonel Paul Lyte	} St. Georges.
Major Richard Salter	
Colonel John Waterman	} St. Josephs.
Co'nel Edward Binney	

The Assembly met at Mrs. Judith Sparrow's house at Bridgetown, and elected Richard Seawell Speaker, who was presented to His Excellency and approved. The House received the Governor's proposals and adjourned till the morn. [Col. Entry Bk., Vol. XIV., pp. 1-2.]

[Sept.]

1882. Lord Howard of Effingham to the Earl of Sunderland. I rejoice to find myself under your immediate cognizance, but I am

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depressed with the thought that you will find too many errors in my transactions, though I hope you will construe them favourably. I am at present at New York, and by Colonel Dongan's kindness and interest hope to put a stop to the daily alarms of Indians in Virginia, as a perusal of the enclosed transactions may show you. The method is but ordinary, but the manner may be diverting.
Signed, Effingham. Holograph. 1 p. Endorsed. Reed. at the Committee, 3 Nov. 1684. The enclosure is evidently the narrative of the Treaty with the Indians at Albany in August 1684 (see Nos. 1822, 1824). [Col. Papers, Vol. LIV., No. 46, and Col. Entry Bk., Vol. LXXXII., p. 298.]

Oct. 1. **1883.** Minutes of Council of Barbados. Order for Francis Bond, Robert Davers, John Peers, Edwyn Stede, and Henry Walrond, or any three of them to be a Committee to inspect the Acts relating to Grand Sessions and to prepare a new Act; also to make a collection of the laws of the Island now in force and report on them. The Assembly presented its answers to the Governor's proposals.

Oct. 2. The Assembly submitted the names of John Codrington and Richard Barrett as Treasurer and Clerk under the Act of Excise, which the Council approved. Militia Bill brought up from the Assembly, read thrice and passed for three months. The Assembly asked for members of Council to join eight of their members as a Committee to inspect the Militia Act.

Oct. 3. The Assembly brought up two Bills, for securing the possession of negroes, and laying an imposition on wines, which were thrice read and passed. The Speaker reported that the Assembly had two Bills, for public accounts and for suppression of pirates, under consideration, but desired to adjourn till Tuesday, to which his Excellency assented. Henry Walrond, Edwyn Stede, Francis Bond, and Robert Davers, appointed to be of the Joint Committee on the Militia Bill. The Governor sent a message to the Assembly desiring that the same Joint Committee might inspect and make a collection of the laws. The Act of Excise and Militia Act were published by beat of drum. [Col. Entry Bk., Vol. VII., pp. 543-548.]

Oct. 1. **1884.** Journal of Assembly of Barbados. The Assembly's reply to the Governor's proposals (see No. 1880). 1. We should be glad to know whether the King disliked the whole Act for Grand Sessions or only a part of it, that we may know how to meet his wishes. 2. Provision for punishment of wanton murder of negroes already exists. 3. We are willing to pass an Act against piracy. 4. We beg that the old Militia Act may be revived for a short time to give leisure to a Committee to peruse any new Act that we may prepare. 5. We beg for time to consider this. 6. We will take care to raise money to pay our debts and repair the fortifications. Excise Bill considered. John Codrington elected Treasurer and Richard Barrett Controller under the Bill.

Oct. 2. Act to revive the old Militia Act for three months passed. John Codrington, John Waterman, William Foster, John Davis, John Heathersell, Michael Terrill, John Leslie and Edwin Binney

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appointed a Committee to meet the Council to draw a new Militia Bill. Present of 2,000*l.* voted to the Governor. Voted that the Treasurer have 8 per cent. for his pains in collecting the Excise. Act for imposition on wines read.

Oct. 3.

Bill for securing possession of slaves read. Bill for an imposition on wines amended and passed. Adjourned to 4th November. [Col. Entry Bk., Vol. XIV., pp. 2-10.]

Oct. 4.

1885. Memorandum. That this day the Duke of York signed and sealed the Charter of Franchises and Privileges to New York, which was afterwards despatched for delivery in New York. [Col. Entry Bk., Vol. LXX., p. 50.]

Oct. 4.

1886. Journal of General Assembly of Nevis. The Assembly met and was sworn, viz., Captain Samuel Jardiner, Speaker, Robert Helmes, Thomas Bartlet, Walter Symonds, John Smargin, John Standley, Simon Browne, Henry Litton, Thomas Cole, John Abbott. Having elected their Speaker they made no proposals. [Col. Papers, Vol. LII., No. 4.]

Oct. 6.

1887. Journal of Lords of Trade and Plantations. Order for a copy of Sarah Bland's appeal to be sent to Colonel St. Leger Lodd: Letter of 17th June from Governor and Council of Virginia read (see No. 1749). Order for copy to be sent to Lord Baltimore for his reply.

Memorandum of documents received and despatched. [Col. Entry Bk., Vol. CVIII., pp. 16-18.]

Oct. 6.

1888. William Blathwayt to Lord Baltimore. My Lords desire your answer to the representation of the Council of Virginia respecting your pretensions on the Potomac (see No. 1749). [Col. Entry Bk., Vol. LXXXII., p. 302.]

Oct. 10.
Nevis.

1889. Sir William Stapleton to William Blathwayt. I send your supplementary accounts, which had not reached me when I sent the last. I hope that I am right in not charging or discharging myself in the accounts, for I am quite a stranger to the accounts, which are entrusted to Commissioners of Audit. I am much concerned that I have not heard from you for so long. [Col. Entry Bk., Vol. XLVII., p. 175.]

Oct. 10.

1890. Minutes of Council of Barbados. Present: Sir Richard Dutton, Henry Walrond, Thomas Walrond, Edwyn Stede, John Peers, Robert Davers, Francis Bond, Sir Timothy Thornhill, Bart. The Governor having inquired into the administration of the Government by Sir John Witham in his absence, propounded seven queries to the Council:—1. Did Sir John Witham on taking over the Government take any oath for the due execution of his office at the Council Board? Answer.—He did not, and being asked by certain members if he had, refused to reply, and said it was not their business to inquire. 2. Did he take the Oaths of Allegiance and Supremacy, sign the test, take the sacrament, and

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take the oath to observe the Acts of Navigation? *Answer.*—He took the two first oaths and signed the test, but we know nothing of the rest. 3. Did you ever ask him if he had taken these oaths? *Answer.*—See our answer to the first query. 4. Did he not assume the style of Lieutenant-Governor on all occasions and use it in official documents? *Answer.*—Shortly after your departure he did, as the Council-book shows. 5. Did he not refuse to allow the members of Council free debate and vote in the Court of Chancery and at the Council Board, declaring that he would do what he thought fit, notwithstanding their opinions? *Answer.*—He did so, and William Beresford, one of the Deputy Registrars of the Court of Chancery, advises us that Sir John Witham in his own room altered certain orders and decrees made by consent of the Council in the Court. 6. Did he not alter certain orders and decrees of the Court? *Answer.*—See our reply to the last query. 7. Do you think that the expenses of his Government have been such as to merit the reward of half my salary, which was granted him by the King? *Answer.*—He continued his usual thriftiness and good husbandry throughout his Government.

Whereupon His Excellency suspended Sir John Witham from the Council and from all public employment in the Island. [Col. Entry Bk., Vol. XI., pp. 549–554.]

Oct. 14.

1891. Sir John Witham to the Earl of Sunderland. My real thanks for obtaining for me the Royal Warrant giving me first place in the Council and the rank of President in the event of the Governor's absence or death. But Sir R. Dutton has practically vacated this authority. I have been sick for some time before and since his arrival, and I have not yet seen him; yet in my absence, without any summons or notice, he has suspended me from the Council, without any reason that I know of, unless that I would not part with my salary to him. Five days ago he sent his Secretary to me upon that errand, but I answered that I would not part with it. Three days after I heard of my suspension. I cannot yet get a copy of his reasons, but as soon as I can I shall answer them and beg your favour. They must be very untrue or very insignificant, for I dare stand or fall by any fair trial. His instructions direct him to suspend no member of Council without his answer and proof of the allegations. I know his neglect of instructions well, for he is but a month arrived, and the Assembly has given him 2,000*l.*, in which gift and the uses appointed (*sic*) he has passed a Bill, without perusing his instructions or directing the Assembly. He has no friendship for you, for he has spoken formerly very unhandsomely and reflectingly of you. I beg your favour in procuring my restoration. 1 p. Read 13 Jan. '84[–5]. [Col. Papers, Vol. LIV., No. 47, and Col. Entry Bk., Vol. VII., p. 248.]

Oct. 15.

1892. Minutes of Council of Barbados. Order of Sir Richard Dutton voiding an order of 3rd October 1683 issued by Sir John Witham, under the title of Lieutenant Governor, and re-issuing it

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in his own name; and ordering his declaration of the expiry of Sir John Witham's Commission as Deputy Governor to be recorded. [Col. Entry Bk., Vol. XI., pp. 554, 555.]

Oct. 16.

1893. Memorandum of Lords of Trade and Plantations. Having received from the Treasurer of the late Bermuda Company a schedule of debts and a proposal that eight shares of the public lands may be alienated by the King for the discharge of the Company's debts, we recommend that the matter be referred to the Lords of the Treasury, and would suggest that if the request be granted, the Company should be answerable to the King for the overplus, and acquit him of all pretensions and demands whatever, also that the taxes levied in the Islands or by the late Company be continued for the support of the Government. *Draft, with corrections.* 1½ pp. *Endorsed.* [Col. Papers, Vol. LIV., No. 48.]

Oct. 16.
Treasury
Chamber.

1894. Henry Guy to William Blathwayt. Forwarding the report of the Commissioners of the Mint (see No. 1876). *Signed,* Hen. Guy. 1 p. *Endorsed.* [Col. Papers, Vol. LIV., No. 49, and Col. Entry Bk., Vol. XLVII., p. 171.]

Oct. 16.

1895. Governor Cranfield to Lords of Trade and Plantations. I have received from Mr. Blathwayt copies of your letter of 23rd July last and of the petitions of the inhabitants and of Nathaniel Weare (see Nos. 1814, 18001). As to the charge of erecting Courts, there is not a word in my Commission that I should erect Courts such as myself and the Assembly think necessary. But in the powers granting me the negative voice, &c., these words follow after: "And we do hereby give and grant unto you full power and authority to erect, constitute such and so many courts of judicature within the province as you and they shall think fit." The complainants pretend that the words *and they* signify the General Assembly, whereas it was the opinion of the whole Council, which then included Waldern, Vaughan, Martin, Daniel, and Gillman, now among the complainants, that the words were to be looked upon as insensible and a slip of the writer's pen. For the next clauses empower me to constitute Judges, &c., and as the clauses next before and after the clause quoted grant powers simply to me as Governor, the Council could not but think the words *and they* to be a mistake of the clerk that copied it. The Assembly was of opinion that it could not be intended by the words, and have so entered it in their journal. Again, I did not deliver a copy of my Commission to the Assembly, but the original for them to copy if they would, so if the words *and they* are written in their copy it is their own doing, for they are unaltered in the original and in another copy which I left at Boston. Nevertheless I have erected no Courts without the advice of the Council, and the fees and salaries were fixed by the Council and afterwards approved by me. There was a project of some of the Assembly and others for their own private advantage to make the

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Court of Common Pleas itinerant and held every three months in a different town in the province, but that being inconvenient to traders and contrary to the law of England, I appointed the Court to be constantly held at Portsmouth, the chief port and place of trade, for the convenience of merchants and mariners. No other Court has been appointed except a special Court for the trial of Gove, a Court of Equity, and a Court of Admiralty as directed by the Duke of York's Commission. The said Court has no other powers than those resembling the Westminster Courts, and the practice has been accordingly.

As to their complaints of Mr. Mason's proceedings at law with some of them, I cannot but observe that the King's Commission, upon the advice of the highest authorities in England and the disclaimer of Massachusetts, sets forth the ancient right of Mr. Mason as proprietor; yet the complainants allow him only the title of pretended proprietor, in contempt of the Royal decision. As to my duty to mediate between Mr. Mason and the inhabitants, and, failing that, to send home copies of the proceedings, the complainants have never complained to me of any hard terms imposed by Mr. Mason as to their quit-rents either before or since the trials held; but they have wholly denied his right and title and refused to become tenants. Hence I could not mediate, for matters of right must be determined by law. It was a full year after my arrival before Mr. Mason began a suit against any of them, and although upon a fair trial at law he has obtained judgment as proprietor of the lands sued for and might justly have dispossessed them, yet he offers to confirm to every man and his heirs his former estate on payment of the small quit-rent before demanded. So far he has dispossessed but one person, one George Jeffrey, a Scotchman, who fled from the province from fear of punishment for having spoken infamous words of the King. I have never interested myself in a trial between Mr. Mason and the inhabitants, nor have higher fees been set than twenty shillings of this money, which is but fifteen shillings English, for each action, and that only for payment of the judge and officers of the Court. These fees were established by the Council and are thought so reasonable that they have been adopted by the Province of Maine. The rest of the six pounds, of which they complain, is the damages and costs given by the jury to Mr. Mason for being kept out of possession, all of which amounts to but 4*l.* 10*s.* English; and if it be such a grievance to the complainants to pay costs and damages to Mr. Mason for keeping him so long out of possession, it must be a far greater injustice to him to be denied the liberty of suing for his right. As to the allegation that I have made myself part-owner of the province, it is a mistake. I have only a house and garden which I bought of one of the inhabitants for 450*l.* And for my coming here Mr. Mason, considering that the King made me no allowance for my support, generously allowed me 150*l.* a year for seven years out of his own estate, of which I have never yet received one penny, nor of the fifth part of the quit-rents. I hope without offence that Mr. Mason may dispose

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of his own estate without asking them leave, and that it will not be accounted a crime in me to accept what is given. As to the valuing of money, pieces-of-eight were fixed by the Council and myself at their just value, six shillings of this money, which is four shillings and sixpence English, and they are worth as much in the King's mint, or at sevenpence the ounce Troy, which is five-pence English, the taker to receive them as he pleased, by the piece or the ounce. This has been an advantage to the province by introducing more money than formerly, of which the people have no reason to complain. I sent you the order fixing these values last year.

The Article charging me with making and executing laws by the Council only being in general terms, I can only say that I know of none. Had there been such the complainants would certainly have named them. All my Orders in Council have been laid before you, and if I had had or shall have any intimation that you disapprove them, they should have been, or shall be, annulled. The order for restraining the Boston lumber trade was never enforced. As to the two persons mentioned as committed to prison without lawful cause, William Vaughan and Joseph Dow, the latter was not committed, but bound over to appear at quarter sessions for refusing to take the oath of allegiance according to the form used in England. William Vaughan had formerly beaten the King's officers when executing their duty in searching of ships, had entertained Gove the night before he rose in rebellion, had told me that he would lay his blood at the door before he would become Mr. Mason's tenant, had given me ill-language at the Council, and had accused me of exceeding my commission. Finally, Thurton, the deputy-searcher, said that he was afraid of being again beaten by Vaughan if he tried to execute his office. I therefore required sureties of Vaughan for his good behaviour, and on his refusal committed him to prison till he should do so, which I conceive to be legal. As to the last article, that of denying witnesses to be sworn, the request was never made of me. I never forbade the Secretary to grant summons to any persons, but Mr. Chamberlain tells me that Vaughan required him to set his hand to blanks, as some of them desired a blank commission of me, which Vaughan said he intended for summons, but would fill up himself. Mr. Chamberlain declined to comply with this as unwarrantable. In further proof of my defence I lay before you the enclosed depositions to show the groundlessness of these complaints. According to your letter all persons shall have liberty to depose upon oath what they know in any case, and take copies of all records or other matters relating to myself or the province. I have accordingly required Mr. Chamberlain to take copies of all such matters and take affidavits, but as yet no person has been here to demand any, though it is well known that in a few days the ship that bears this letter will sail to England. I would observe also that though Vaughan and Martyn are the ringleaders of this clamorous petition against my making Courts yet they were well contented to be judges and assistants of the

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two first Courts that I made. Waldern, Vaughan, Daniel, Martyn, and Stileman were present when the fees were fixed, Daniel and Vaughan when the value of pieces-of-eight was fixed, and they agreed to it. And had they done the King justice in the trial of the ketch seized by Mr. Randolph they would never have been removed. But instead of that they denied appeals in two other cases, saying that no justice could be had at the Council Board; and for this and for other indecent carriage I thought it my duty to remove them. I do not wonder at Vaughan's backwardness in doing the King right, since he now detains five hogsheads of tobacco which his men took from the custody of the law after seizure. Other irregularities in trade to the prejudice of the King's customs will appear by a journal of a voyage between this and Amsterdam without touching in England. Being restrained in these irregularities Vaughan has brought forward this malicious accusation. I am glad that I lay my defence before such judges as your Lordship. In my opinion my successor must expect to share the like calumnies if he inspects their irregularities in trade or countenances Mr. Mason. I call God to witness that I have done nothing but for the King's service and for the maintenance of justice; but to gratify the people in matters prejudicial to the King respecting trade and to deny Mr. Mason his trials is not according to my conscience, though had I done so I should not now be called upon to write this defence. *Signed, Edw. Cranfield. Holograph. Four closely written pages. Endorsed. Recd. 17 Jan. '84. Read 19 Mar. '84. [Col. Papers, Vol. LIV., No. 50, and Col. Entry Bk., Vol. LXVII., pp. 118-128.] Annexed,*

1895. i. Resolution of the Council as to the clause of Governor Cranfield's instructions concerning erection of Courts of Judicature. January 10, 1683. Certified copy by Richard Chamberlain. 1 p. *Endorsed.*
1895. ii. Copy of a list of fees of Court, dated 19th January 1683. *Certified as the foregoing.* 1 p. *Endorsed.*
1895. iii. A short supplement to the foregoing, being fees of Court for entry of an action. *Scrap. Certified as the foregoing.*
1895. iv. Order of the Governor in Council, that no one presume to ask other than the authorised fees. *Dated December 22, 1683. Certified copy.*
1895. v. Deposition of Thomas Thurton. As to violence offered him by William Vaughan when searching a ketch in January 1682. Sworn before Robert Mason. 1½ pp. *Endorsed.*
1895. vi. Deposition of Thomas Philbrick confirming No. v. Sworn 20th May 1684. ½ p.
1895. vii. Depositions of Daniel Mathews and Thomas Thurton against Robert Wadleigh for stirring up insurrection. Sworn before Richard Chamberlain, 23rd May 1684. 1 p. *Endorsed.*
1895. viii. Deposition of Walter Barefoot, that he took the original of the Governor's Commission to the Assembly

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to be copied, and that the words of the clause for erecting Courts were unaltered. Sworn before Richard Chamberlain 24th October 1684. *Certified copy.* 1 p.

1895. ix. Deposition of John Hinks that he had heard Governor Cranfield order the Secretary to furnish copies of records to any persons having causes depending that might require them. Sworn before Richard Chamberlain, 30th October 1684. *Scrap.*
1895. x. Deposition of the same as to words used by William Vaughan to the Governor, that he would have the rights of the Commission. Sworn as the foregoing. *Scrap.*
1895. xi. Deposition of the same. That Robert Mason suggested the order fixing the value of money and removed the Governor's doubt as to his power to do so without the Assembly. Sworn as the foregoing. *Scrap.*
1895. xii. Deposition of the same, that the Governor to the best of his memory, gave no order about settling fees, nor was present at the Council when they were settled, but afterwards approved them. Sworn as the foregoing. $\frac{1}{2}$ p.
1895. xiii. Deposition of Robert Wadleigh. That the Governor gave the Secretary orders to let him have such copies of the records as he desired. The fees were reasonable Sworn before Richard Chamberlain, 1st November 1684. 1 p.
1895. xiv. Deposition of Joseph Rayn, confirming the scene between Cranfield and Vaughan (*see No. IX.*). Sworn as the foregoing. $\frac{1}{2}$ p.
1895. xv. Deposition of Robert Wadleigh in confirmation of Barefoot's statement in No. vii. Sworn as the foregoing. 1 p.
1895. xvi. Copy of the proceedings against William Vaughan for his treatment of Thomas Thurton. 2 pp. *Endorsed.* Recd. 4 Dec. 1686. [Col. Papers, Vol. LIV., Nos. 50 I.-XVI.]

Oct. 17. 1896. Minutes of Council of Virginia. Ordered that the Commanders of the four troops at the heads of the rivers have powers to impress men and horses to carry despatches, to avoid the weakening of their troops by using troopers for this service. Order to prohibit the export of corn after the 10th November in consequence of the bad harvest. [Col. Entry Bk., Vol. LXXXIV., p. 207.]

[Oct. 18.] 1897. A collection of papers, used in his vindication by Governor Cranfield (*see following abstract and No. 1895*).

1897. i. Deposition of Thomas Thurton. As to treasonable words spoken by Richard Waldern, and violence offered him by William Vaughan in the execution of his duty. Sworn before Richard Chamberlain, 14th October 1684. 1 p. *Endorsed.*

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1897. II. Deposition of Walter Barefoot. Testifying to the reduction of legal expenses by Governor Cranfield. Sworn as the foregoing. 15th October 1684. 1 p. *Endorsed.*
1897. III. Deposition of Robert Mason. Testifying to the integrity of the Governor's commission when presented to the Assembly; and to the establishment of fees by the Council without participation of the Governor. Sworn as the foregoing. 15th October 1684. 1 p. *Endorsed.*
1897. IV. Certificate of Richard Chamberlain. As to his refusing his signature to blank papers brought to him by William Vaughan and others. 15th October 1684. $\frac{1}{2}$ p. *Endorsed.*
1897. V. Order of Governor Cranfield for releasing Richard Waldern and William Vaughan from prison, it being alleged that several persons have been imprisoned to obstruct the obtaining of proofs of the charges against him. Dated 16th October 1684. $1\frac{1}{4}$ pp. *Certified copy.* *Endorsed.*
1897. VI. Deposition of James Sherlock. To the effect that Walderne owned that Governor Cranfield had never refused him, but rather offered him facilities for getting his witnesses sworn. Sworn before Richard Chamberlain. 17th October 1684. 1 p. *Endorsed.*
1897. VII. Deposition of Robert Mason, that he was the first who suggested to the Governor to fix the value of Spanish money. Depositions of Walter Barefoot and Robert Elliot in confirmation. Sworn as the foregoing. 18th October 1684. 1 p. *Endorsed.*
1897. VIII. Deposition of Robert Elliot, of words spoken by the master of the ship who brought letters from Whitehall; who quoted Mr. Randolph to the effect that if Governor Cranfield knew what was in those letters he would be glad to have them made away with. Sworn as the foregoing. 18th October 1684. 1 p. *Endorsed.* Recd. 7 Jan. 8 $\frac{4}{5}$.
1897. IX. Deposition of the same, that Governor Cranfield was not present in Council when the fees of Court were established. Sworn as the foregoing. 18th October 1684. *Scrap.* *Endorsed.*
1897. X. Deposition of Walter Barefoot, that Governor Cranfield offered Richard Waldern all facilities for swearing evidence and obtaining copies of records. Sworn as the foregoing. 18th October 1684. $\frac{1}{2}$ p. *Endorsed.* Recd. 7 Jan. 8 $\frac{4}{5}$. [Col. Papers, Vol. LIV., Nos. 51 I.-x.]

Oct. 20.

1898. Robert Mason to Lords of Trade and Plantations. I have seen the petition of Nathaniel Weare against the Governor and of the inhabitants of New Hampshire against myself. Though I have not your order to do so, I beg leave to send you this

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answer thereto. I shall not go into the question of my title as Proprietor, which gave you so much trouble, and was so grudgingly acknowledged by Massachusetts. Since that acknowledgment the people seem to look upon themselves as their own proprietors. It was not till I had been a year in the place that I took any action against my tenants, having meantime used all endeavours to come to a fair agreement. Many acknowledged my right, and agreed for their quit-rent, but several opposed me, chiefly those who had got large tracts of land by grant from the Government of Massachusetts, which title they insist on. With these I first began to take suit, choosing one out of each town, that the rest might see on what ground I stood and what defence the tenant could make. The verdict was in my favour, but I publicly offered in the Court, and have done the same on all trials since, that if any one were dissatisfied with the verdict I could give him a trial at the Council Board, or at any of the Courts at Westminster, and in the meantime would stay execution. Not a man has appealed for a new trial, but they have endeavoured to blacken me by false reports and clamorous petitions. However, notwithstanding the perverse obstinacy of the people I have sued, I never put any terms on them that I had not demanded before, and that others pay who have agreed with me; nor have I dispossessed but one man, a factious Scot, who has lived here only for a few years. Even after judgment given I stayed execution for five months awaiting his compliance, and on the very day that I took possession offered him a deed for the house on a quit-rent of ten shillings yearly, though the house is worth twenty pounds a year. He said he would never own me as proprietor, and bid me do my worst, for if I dispossessed him it would not be long before times changed and he would have it again. He added, as to the King's commission, that the King would have written as much for him as he had for me, if he had given him a little money, for which infamous words a warrant was taken out for his apprehension; whereupon he fled to Boston. Of those whom I have sued not one half have yet paid for my costs and charges in the suit, none exceeding 4*l.* 10*s.*, and many less. The defendant is not at one penny of expense till the cause is issued, and then the costs of Court are taxed. Heretofore a common person was allowed greater costs than have been allowed to me. From many I have taken deal boards in lieu of money, which I have transported to Boston for sale; nor were any committed to prison for not paying the execution till after Weare had left for England, and then only three persons, whom I released on their giving their notes to pay in deal boards or dried fish at money price, which notes are not yet satisfied, so forbearing have I been. As to Weare himself I did not ask for my costs till six months after judgment given, a kindness that these complainants are seldom guilty of, their manner being to take out execution in twelve hours, and then pay or prison, or, what is worse, take a noble for ninepence. I have always demanded payment before I took out execution to save the marshal's fees, which generally amount to twenty shillings, but most of the people are so obstinately

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wilful that they will rather damage themselves than yield to a fair compliance. For the arable pasture and woodlands I ask but twopence the acre rent, which is very small, and besides I grant everyone free liberty to feed cattle in my woods, and to cut wood for building, fencing, and firing free of charge. I submit it to your Lordships how just their accusations are. Nathaniel Weare cannot deny a word that I have written, yet all shall be proved on oath. As to the names on the petitions, several of them are boys and strangers, and such as having not a foot of land in the province; their number even so is small compared with that of the inhabitants who have not complained. Some of these have denied that they signed; others have since been on the jury, and have found for me; others have agreed without suing, and many profess that they never heard the petition read. I find among the names five of those who took part in Gove's rebellion, and were pardoned. All that I have done has been in accordance with law, and with the greatest tenderness and moderation that may be unless I should let them alone and demand nothing. $2\frac{1}{2}$ pp.
[Col. Papers, Vol. LIV., No. 52, and Col. Entry Bk., Vol. LXVII., pp. 131-136.]

Oct. 21.
Bermuda.

1899. Deputy Governor Cony to the Earl of Nottingham. In my last I said that I had some hopes of quietness till further news from England, but now the country is again in confusion owing to some letters lately written to Mr. Bish (whom I unfortunately brought over with me), Mr. Sam Trott, old Righton, and Richards, the late Speaker of our Assembly, from Mr. Milbourne the Fifth Monarchist, and one Mr. George Turfrey of London, both of them fled not long since to New England. The contents of these letters are that the Bermuda Company is broke—that is the very word. On the receipt of these letters Bish and Trott invited Tucker, the Secretary, and myself to the funeral of the Company, saying that there was burnt claret enough for all comers. Most of the people now disown the Company in consequence, and two of my officers have laid down their commissions, Mr. Bish saying that now legally I ought no more to be owned as Governor. Whereupon one of my captains, Christopher Burrass, on the 8th instant, came privately into St. George's above five in the evening with twelve men, and late in the evening, while I was walking before my door, drew upon me. I had no sword, but I parried as well as I could with a little switch that was in my hand, and retiring preserved myself, but the point of his sword cut my coat about the left breast. His companions then came behind me, and struck up my heels. I made shift to recover, and got somehow a staff or halbert into my hands, I know not which, but to little purpose, for they struck up my heels again and Burrass broke his sword upon me as I was falling. The best of the mobile stamped on my body and right leg, of which I am somewhat recovered, but my leg is in a very sad condition. The watch was set, but not one would come to my help, but at last my foot-boy and one of my blacks came up and tried to persuade them to let me rise, but they

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knocked down my black three times and my foot-boy twice. More of my blacks then came up and carried me off. Two days later I was informed of a new design of Burra's to surprise me and remove me dead or alive from the command, as no longer authorised to govern now that the Company was broke. This is a mere pretext, for they aim at the sole government themselves and to choose a Governor, saying that the King will not concern himself with an island of rocks, and such poor people. If the Company has lost its patent, pray acquaint the King with the state of things, or the Island will be totally ruined or betrayed to the Spaniard. True, the Castle and three forts are a good defence to eastward, but the rest lies open, and all the secret channels are published by the inhabitants to every stranger. We have many villainous wretches among us who would be glad of any occasion to get money, and many Bermudians who have deserted the country and are abroad privateering. It was a Bermudian who piloted the Spaniards into Providence, and he is now living among us, having bought land. On some suspicious words that he let fall I arrested this man, William Bell, and took good security that he should be forthcoming when wanted. He ought to be sent for to England and examined, for I believe he could not clear himself. The inhabitants are drawing up a petition to the King to let them live under the same laws as when under the Company, for they are a free people. I have not yet seen it, but I am told that they expect my hand to it or I must expect worse than I have yet suffered. I know not what I may be forced to do to keep things quiet. Pray warn the King that if these people have the same liberty as under the Company the country will be lost or ruined. No Governor of his will be obeyed, and the Privy Council will be perpetually troubled by their impertinence and clamour, for they are giddy, wilful people that know not what they would have and would live under no Government. Richard Stafford, one of my Council, is a dangerous person; so is Dereham, the late Governor. We have frequently had false alarms raised by the sons of these men, and others. I have punished the rest, but the sons of these two have absconded, and their fathers slight the crime, calling it a trick of youth. What the meaning of these false alarms is I know not, except to see how the people turn out in arms. It is expensive in the matter of powder, and troublesome to the few that wish to live honestly and peaceably. The arms sent out by the Company have been many of them taken away by persons deserting the country, and this in spite of my care. But several ships will not be searched by my order. Some men convert their firelocks into pestles to beat their corn with, so that the country is defenceless but for the Castle and forts. Moreover, many of the people will not be exercised by their officers, saying that they have as much land as their officers, and are as good as they and better. Such is our condition. The people expect a new Governor from the King, who will notice their ways no more than they wish, hoping that he will connive at defrauding the King of his dues and let every man do what he pleases. After the loss, of

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Providence I cut down such timber as I could find on St. George's and mounted twelve great guns, ten of which have lain in dust and water for years. I also built a stone breastwork, but my guns were no sooner mounted than Bish and Trott declared it treason for me to fortify without the King's orders, or for any person to help me, so I was obliged to desist. I paid the expense, fifteen pounds, out of my own pocket, nor do I think that I shall be reimbursed, the Council saying that I did it without their advice. Yet there was an Act to raise money for fortifications, though none has been raised for ten years past. But for the expenses of the Assembly a contribution was levied of half a-crown a day while it sat. If I am guilty of treason in fortifying these Islands I hope the King will pardon me, for I never knew it. There is great trouble here with lawsuits also. *Signed*, Richard Cony.

Postscript.—I beg that I may be informed what salary and perquisites are due to me. My family and I are not able to live in our house any longer. It is so rotten and leaky that we eat and sleep in water, while the slaves die on my hands with wet and cold. I found them naked, but have clothed them well out of my own pocket. Had Dereham left them clothes I should have kept them so. I have several times written the Company to ask if they think fit that I should be at this expense. Dereham is going to sue me for 20*l.* worth of corn that I reaped this year because it was planted before my arrival. It is surely rather hard that I should find no house to put my head in, have to clothe the slaves, and pay 20*l.* to the late Governor. But I must submit. The Company told me I should find plenty of their stores of everything. So far I have leaned on my own purse for everything. I should have hired a house in the town for this winter but cannot get one, so must abide all storms. The Sheriff says he has no orders to repair nor build. He says he spends the powder money on the Island's service, but not a penny will the Island get. Moreover the Sheriff pays no one, for I am wearied with complaints, and try in vain to move the Council. I hope the Company will stand by me for I have stood by them. 5½ closely written pages. *Endorsed.* Read 23 and 27 Feb. 84. [Col. Papers, Vol. LIV., No. 53, and the greater part extracted in Col. Entry Blk., Vol. XVII., pp. 115-123.]

Oct. 21.
Bermuda.

1900. Minutes of Council of Bermuda. Several attestations as to the words and actions of Henry Bish on the report of the dissolution of the Bermuda Company. Dated 17th and 21st October 1684. The whole 4½ pages. *Endorsed.* Recd. 17 July '85. [Col. Papers, Vol. LIV., No. 54.]

Oct. 23.

1901. Minutes of Council and Assembly of St. Christopher's. The Council sent down proposals, but there was no quorum of Assembly. [Col. Papers, Vol. LV., No. 48.]

Oct. 23.

1902. Rule in Chancery confirming the judgment against the Charter of Massachusetts. *Copy.* 1 p. [Col. Papers, Vol. LIV., No. 55.]

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Oct. 23.

1903. Minutes of Council of Barbados. Order for payment of the rent due for Fontabelle Plantation [Government House]. [Col. Entry Bk., Vol. XI., pp. 555, 556.]

Oct. 24. Whitehall. **1904.** Order of the King in Council. Referring the petition of Robert Wadleigh, for compensation for his expense in coming over to England, to Lords of Trade and Plantations for report. *Signed*, John Nicholas. Recd. 6 Nov., discussed 20 Dec. [Col. Entry Bk., Vol. LXI., p. 211.]

Oct. 25. **1905.** Lords Proprietors of Carolina to Governor Sir Richard Kyrle. Warrant for grant of 3,000 acres to Mons. Chavasse, "a person well skilled in drugs and other secrets of nature." *Signed*, Craven. [Col. Entry Bk., Vol. XXII., p. 39.]

Oct. 25. **1906.** Minutes of Council of Virginia. Order for all cus'oms laid on foreign wines to be paid in cash or bills of exchange, while the duty on rum and brandy may be received in rum or brandy at a fixed rate. The Council recommended an order to the officers of militia that they shall agree as to the days of muster, so that no two conjoining counties shall muster on the same day. [Col. Entry Bk., Vol. LXXXIV., p. 208.]

[Oct. 27.] **1907.** Captain Francis Wheler, R.N., of H.M.S. Tiger, to William Blathwayt. Answers to the queries annexed to the instructions given to the commander of the convoy concerning Newfoundland:—1. A list of inhabitants and their servants is enclosed. These latter change from year to year and covenant with their masters for the fishing season or the year at high rates. The best of the sport is over by the 20th August, but they fish on till November when the ice and snow comes and then they do little but provide fuel against the cold. I have answered at large how they keep the Western Charter. 2. The Colony cannot support itself. The earth, or rather the rock, produces no more than enough to keep a few cattle in summer, which must be slaughtered during the winter for want of forage. The place is provisioned from England, New England, and Ireland. 3. At St. John's they go two miles to fetch their wood owing to the demand for fuel, but elsewhere there is no scarcity. It is the general complaint that the adventurers' stages are pulled down in the winter, and I am sure it is partly true. The inhabitants are so united that the offenders cannot be known. But I find that the fishermen build their stages slight, and five months' bad weather and ice tear the posts down. The inhabitants prevent the whole work from perishing by repairs, but the damage to the stages makes the ships come a month before they need, and this can only be prevented by a magistrate on the spot. 4. Every inhabitant that keeps boats has his own stage, which he keeps always; but in all ports the ships have room enough. I find that in spite of an Order in Council there are several warehouses built close to the sea which take up good room for stages, and would be much better further back. On

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the fishing-places there is room for twice the number of ships. 6. All clothing and tackle is brought from England ; salt, liquors, and provisions are from France and New England. 7. There is no sort of arable or pasture land in the Colony, nor any fur trade except towards Cape Bonavista. 8. The New England trade is considerable, chiefly rum and molasses. If Bills of Exchange are taken it is for English goods ; if fish, the fish is taken to Barbados. The rum is pernicious, for it makes planters and fishermen drink out all they are worth in the winter to a shameful degree. Other liquor comes from England and wines from Fayal ; but I believe it would be impossible to continue the trade, for ten hours in the boats every day in the summer and the intolerable cold of the winter makes living hard without strong drink. But the worst thing is that the New England men carry away many of the fishermen and scamen, who marry in New England and make it their home. 9. The wages paid to the servants are so high that planters can hardly help getting behindhand. An account enclosed from an intelligent planter explains this. They make something by the liquor, which they sell at a very dear rate, but many of the servants having families in England are not very prodigal. Certainly there is hardly a planter in the country who is not a great worse than nothing, but they are bound to go on fishing or the merchants will sell them no provisions for the winter. 10. The New England men do not fish on this coast though a great deal on their own, and have a fish trade with Portugal. 11. The fish are sold to the sack-ships, and so they go home with their train-oil and men. I have calculated the cost and profits of one of their ships. But the trade being carried on for the most part by men who take up their money at bottomry at 20 per cent. (very usual in the West country) they are obliged to sell dearer. Able merchants would turn the trade to better account. The men called boat-keepers in the list do not fish on the ships' account but are hired by particular men. 12. The list of sack-ships is annexed. 15. All men employed by masters of ships are upon bargain to be paid in England, which keeps them from staying in Newfoundland. Occasionally they stay, but last year there were but 120. 14. My answers as to the Western Charter are annexed. 15. Placentia is the best French fishing-place. They get to work six weeks before us, and take such catches that they are generally gone before the end of July. Their ships are large, some of them six and thirty guns. Their victualling is rather cheaper than ours. No fur trade. 16. The inhabitants are much fewer than our colony. 17. The planters are of no use to fishing except to secure their boats in the winter. 18. The French catch 300 quintals to a boat of four men, while we catch but 100 quintals. The usual price is six livres. The French catch more, victual cheaper, finish earlier, and get the first of the market, so they profit more by the trade than we. 19. The French markets are France, Spain, Portugal, and Italy. 20. Their trade generally increases except during war with Spain. 21. The French inhabitants are as negligent about defence as our Colony. They are supplied with salt provisions

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from France and with rum and molasses from New England. 22. A few English live among the French, but there is no correspondence between their Colony and ours. 23. No foreigner fishes on the Eastern Coast except on the bank fifty leagues from shore, which the French frequent much. The French have a Governor at Placentia, who is of great use. The French have no convoy to Newfoundland, the ships being strong. At Trepasse English and French fish together without quarrelling. 24. I learn that the French are numerous up the river of Canada, and have two good forts. They do not fish, but trade with the Indians for fur. The French begin to fish about ten leagues to north of Cape Bonavista. Being at utter defiance with the Indians in those parts they do not stay for the winter, and all the summer have their arms by them. They have a large fleet and twenty armed boats on the Coast to guard against the Indian canoes; any man of whatever nation who pays his proportion of this expense may fish on the coast. They catch 200 quintals to a boat of five men, and here their trade is worse than ours and decaying much. 26. The French have the advantage of us in the fishing trade at Placentia for reasons already given. Our trade decays by its being overstocked with sack-ships, for it is plain by the annexed account that the fishing ships profit greatly. The great plenty of fish that is housed this winter in Newfoundland for want of sack-ships reminds me that the fish which is taken one year is held as good as any next year. If the adventurers would sacrifice a year's profits they could send their sack-ships in the spring and get the first of the market. *Signed, Fra. Wheler. 14 pp. Endorsed. Recd. 27 Oct. 1684. Annexed,*

1907. i. Observations of Captain Wheler as to the Western Charter and the articles which are kept or broken in Newfoundland. 1st article is kept; 2nd is broken every day by seamen throwing ballast into the harbours; 3rd is broken by the destruction of stages in the winter; 4th is kept; 5th is kept. The fishermen now use cask instead of fats to carry home the train oil; 6th to 9th are kept; 10th is so absolutely broken that hardly a house does not sell drink. 11th is broken; if the people do assemble, it is not to hear divine service. 12th is interfered with by an Order in Council of 16th January 1678. Of the additional articles, 1st and 2nd are kept; the 3rd, 4th, 5th, and 6th are interfered with by Ordeis in Council; as to the 7th the practice differs for fishermen and passengers; the 8th is kept; the 9th is superseded by Order in Council; the 10th is broken by the boat-keepers, who take a stage though they have but two men; as to the 11th, the Vice- and Rear-Admiral take upon them to command, but only to serve their own turn. The poor inhabitants are in misery for want of a Governor. Those that have most servants take what they please from the poor by force, and there is no redress in the absence of a king's ship. I have had a hundred complaints before me, and when I have spoken

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to the admirals they would not do justice, but answered that they wouldn't trouble themselves; 14th and 15th I can give no account. 4 pp. Endorsed. Recd. 27 October '84.

1907. ii. Estimate of fitting out ten boats, and cost of a ship according to the usual custom of the adventurers. Total cost, 984*l.* 12*s.* 0*d.* Total profit, 1,350*l.* Net profit, 365*l.* 8*s.* 0*d.* 2 pp. Endorseil as the foregoing.
1907. iii. Cost of fitting out two boats of five men. Total cost, 268*l.* 15*s.* 0*d.* Value of produce, 216*l.* Loss, 52*l.* 15*s.* Endorsed as the foregoing.
1907. iv. List of the fishing ships at each port in Newfoundland. *Thirty-six ships, all from Devonshire ports, except five from Poole and one from Piscataqua, whose Captain has a Devonshire name.* 2 pp. Endorsed as the foregoing.
1907. v. List of the sack-ships loaded at the several ports of Newfoundland. Sixty-nine ships. The great majority from Devonshire ports, but eight from New England. 2 pp. Endorsed as the foregoing.
1907. vi. List of boats, men, stages, and catch of fish at the several ports of Newfoundland. 2 pp.
1907. vii. Numbers of the English planters at each port in Newfoundland. 197 men, 177 women, 199 children, 1,452 servants, 304 boats. 2 pp. Endorsed. Read 27 October '84. [Col. Papers, Vol. LIV., Nos. 56, 56 i.—VII.]

Oct. 27. 1908. William Blathwayt to William Poyer, William Freeman, Christopher Jeaffreson, and other merchants of the Leeward Isles. Forwarding the Act of Nevis for appraisement of lands, houses, &c., and the Act of Montserrat to prevent inconvenience arising from accounts, for their perusal and observations. [Col. Entry Bk., Vol. XLVII., pp. 173–174.]

Oct. 28. 1909. Sir William Stapleton to Lords of Trade and Plantations. Nevis. The new Governor of St. Thomas arrived here the 7th, and left the 11th. I have helped him with a good sloop, armed with four guns, an officer and thirty-two soldiers, so as to prevent the pirate from making his escape, the Dane's ship being a heavy sailer. I am informed that the fort is quietly surrendered and that Esmit is in custody. The Governor's letter reporting the taking possession of the fort on the 13th is just arrived. I send a copy of the new Commission in which I observe some words encroaching upon my commission, and in particular on a clause in my last instructions, viz., *circumiacentiumque inhabitatarum insularum*; for in the King's name Tortola is *inhabitata*, i.e., *habitata*. St. John, St. James, Crab Island, &c., are *circumiacentes insulae*, of which I have taken possession. Crab Island is the best of all the Virgins, if not better than them all together. It is a small traject of Porto Rico. When I reach home I may be able to give you an account of the Virgin Islands, though I have no ship to transport me. Let me entreat you to send a frigate to the Leeward Islands, and if

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H.M.S. Diamond, now at Barbados, be homeward bound in March, I would ask for conveyance for myself and family. *Signed*, Wm. Stapleton. *Holograph*. 1 p. *Endorsed*. Recd. 24 Jan. '8 $\frac{1}{2}$. Read 31st. [Col. Papers, Vol. LIV., p. 57, and Col. Entry Bk., Vol. XLVII., pp. 176-177.]

Oct. 29.
New York.

1910. An explanation of the Continued Bill for defraying the requisite charges of the Government. The text of the Bill itself, 4 pp. *Endorsed*. Read 1 Apr. 85. [Col. Papers, Vol. LIV., No. 58.]

Oct. 30.

1911. Minutes of Council and Assembly of St. Christopher's. The Governor and Council proposed that half the negroes be sent to work at the fort on Cleverly hill for six weeks from the first Monday in November. The Assembly referred to its former answer of 16th September (see No. 1864). Proposals of the Assembly: 1. That the order as to the endorsement of values seized on the back of judgments for executions be published. 2. That order be given to the Marshal to make a modest demand before levying executions. 3. That the Acts against engrossment and for a levy on all whites over fourteen years old be forthwith published. 4. That Members of Assembly be allowed to join in signing all orders to the Treasurer for payment of public money. 5. That the Act for an impost on imported liquors be published. Answers of the Council: 1. The Governor has resolved to sign no execution without examination. 2. This will be done. 3. The Governor must see the Act first. 4. Not approved of. 5. An Act to this effect to be forthwith drawn and sent home for approval [Col. Papers, Vol. LV., No. 48.]

Oct. 31.
Barbados.

1912. Sir John Witham to the Earl of Sunderland. I send a duplicate of a former letter, wherein I begged your favour in a hardship (I think an injustice), that Sir Richard Dutton would put upon me. I implore your kindness to procure that the offices, authorities, and "prelminencies" that I held and enjoyed in this Government may be restored to me. I enclose the copy of the order Sir Richard Dutton made against me, with my address to the King in reply thereto. I trust that the King will accept my answer. Two ships were despatched away before I was allowed to have a copy or know what Sir R. Dutton's allegations against me were, so that Sir R. Dutton's pretensions might be before the King before I could reply. I imagine that they have no great weight in them, the true reason proceeding from prejudice only. One reason is that I was too diligent in the discharge of my trust; but the principal cause of prejudice was that he had hopes that I should give him my salary gratis, whereas in truth my extraordinary expenses in the Government exceed my salary, which I have not yet received. Sir Richard discoursed that I had gained more by the Government than he, and that he thought it unreasonable for me to expect any salary out of his. I think it far more unreasonable that he should expect me to give up what the King has granted me. Sir R. Dutton has gained not less than 9,000*l.* by this

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Government, there being 12,537*l.* that he has received, as the public accounts show, besides private gifts, which are known only to himself. So it is plain that he has made a great mistake in calculating the sums that he has received. He has not been actually in the service of the Government above two years, while I was there sixteen months, for which my salary is 812*l.* 10*s.*, which is vastly different from his receipts. Moreover, he diverted all chances of perquisites from me. He forbade me to call an Assembly, and he put creatures of his own into all places of profit, who reaped all the perquisites, and have never paid nor accounted for anything to me. Thus it is sufficiently plain that he has gained a fair sum. He took the Government for profit; I had no object but the King's service, and took my salary only to pay the extraordinary expenses. Sir Richard must have left England full of malice against me, for he knew all the reasons that he alleges for my suspension before he sailed, and could have laid them before the King. But his design was plainly to come here and suspend me himself, knowing that it would be some time before I could apply to my honourable friends. All his objections against me were for matters acted long before the date of the Royal Warrant appointing me first of the Council, and President in case of his absence or death. Pray preserve for me this warrant granted by the King's favour, which is threatened by Sir R. Dutton. *Signed,* Jno. Witham. 2*½* pp. *Endorsed.* Read 13 Jan. 1684-5. *Annexed,*

1912. 1. Extract from the Minutes of the Council of Barbados of 10th October 1684, recording Witham's suspension from the Council (*see No. 1890*). *Below it*, Sir John Witham's answer to the objections of Sir Richard Dutton against him. 1. As to the first objection, about taking the oath of Deputy Governor, it is to be considered who should administer this oath. I say that Sir R. Dutton should have administered it, but he did not. I did not know that it was necessary to take any such oath or I should readily have done so. I took the oaths of allegiance and supremacy and the test within fourteen days, and it was not for six weeks or two months that Colonel Thomas Walrond started the question whether I had taken the oath of Deputy-Governor or not. I told him to show me such an oath, but he could not, so it was supposed that Sir Richard must have carried it off. I should have taken it if I had found it, but I could not frame an oath for myself. 2. As to the second objection about the title of Lieutenant-Governor. Your Majesty's Royal Warrant of 10th October 1682, wherein you granted me half the salary and perquisites of Governor, styles me Lieutenant Governor or Commander-in-Chief. Till that time I was styled Deputy-Governor, but I thought it fitter to take the title your Majesty had given me. As Lieutenant-Governor I established your Court of Pleas of the Crown in this Island, which Court you have ratified. Why does

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Sir Richard Dutton scruple my other proceedings under that title? In truth the true reason is not one of titles, but because I will not submit to some of his demands. *The whole, one very closely written page.* [Col. Papers, Vol. LIV., Nos. 59, 59 1., and Col. Entry Bk., Vol. VII., pp. 248-253.]

[Oct. ?]

1913. Articles of complaint preferred by William Milbourne and William Righton against Deputy Governor Thomas Cony. 1. On Cony's arrival, 29th January 1684, certain articles against Henry Dereham for treasonable language were shown to him. Cony swore by God that Dercham had said nothing but the truth. 2. He openly declared that the negroes were as good subjects as the Assemblymen, saying that the Company and Assembly were too saucy in making orders to restrain their insolence. 3. He took from one Joseph Milbourne a negro slave, after twelve years' possession, and converted him to his own use, as also another negro from another man, denying Milbourne a replevin according to law. 4. He imposes new oaths of allegiance and supremacy to ensnare people and committed a Quaker to the Marshal for refusing them; he also committed a person, who only desired that the oaths might be explained, to the Marshal. 5. He claims to hold the King's commission, and that he may do as he pleases, though the Company fail, and enforces new and unprecedented fees and impositions, e.g., on every master of a ship five shillings, every passenger two shillings, and every poor seaman five shillings before he allows them to depart. 6. He has granted an illegal warrant for seizing the goods of one John Stone, and imprisoned him for not obeying it. 7. He sells the powder paid by incoming ships, and converts to his own use. 8. He forces all public houses to take licences, exacting the same for himself and others. 9. He curses, swears, and strikes men in his drunken debauches, which are frequent. *Signed.* 3½ pp. [Col. Papers, Vol. LIV., No. 60.]

Nov. 1.
Bermuda.

1914. Minutes of Council of Bermuda. Attestations of several witnesses as to the report that the Company had been broken, dated, 14th, 21st, and 22nd October. Order requiring all persons to yield obedience to the present Government, dated 1st November 1684. *The whole five pages.* Endorsed. Recd. 17 July '85. [Col. Papers, Vol. LIV., No. 61.]

Nov. 1.
St. James's.

1915. Sir John Werden to Governor Dongan. Your letters of 27th August are received. Your transactions with the Indians on the side of Canada please the Commissioners well, as continuing the good correspondence with them which is essential to the peltry-trade. You send a form of a land grant which you think defective, but it seems to the Commissioners to be good. As to quit-rents, you may oblige grantees and lessees to what may be fixed by yourself and Council, in consideration of the abolition of the 10 per cent. customs' duty by the charter of franchises. But this is left to your discretion. As to transport of flour and biscuit you

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will take the advice of your Council, and by all means encourage the city of New York; you will be not less careful of the city in adjusting the matter of the trade of the east end of Long Island. You will make any advantageous arrangement with the Colony of Rensselaerswick, but not to hurt their possessions and rights. You will let the town enjoy the quit-rents from year to year, but at the Duke's pleasure only. Thomas Rudyard, the Attorney-General, should receive an honorary fee of 5*l.* per annum. As to the penny a pound for tobacco carried to New York from Virginia, if good security can be given that all that tobacco shall come straight to England and pay duty there, the penny would probably be remitted. Encourage the Indians all you can, but not so as to vex your European neighbours. It will be impossible to get the French to give up trading with them, so we must try by our good dealing to make them prefer to trade with us rather than with the French. Staten Island beyond all doubt belongs to the Duke. *Printed in New York Documents, Vol. III., pp. 351, 352. [Col. Entry Bk., Vol. LXX., pp. 50-51.]*

Nov. 3.

1916. Journal of Lords of Trade and Plantations. Lord Baltimore's answer to the complaints of Virginia (*see No. 1749*) read, and copies of both documents sent to the Attorney-General for his opinion. A letter from Mr. Penn of 14th August 1683 was read, and a copy ordered to be sent to Lord Baltimore. Addresses of congratulation from Virginia read.

The merchants of the Leeward Islands attended in reference to the Act for appraisement of property, and their counsel being heard the Lords adhered to their opinion that a clause should be added compelling the appraisers to take the goods as appraised by them. The merchants were also heard on the Act for assignment of debts, and their counsel was sent with Mr. Blathwayt to the Lord Keeper to make the necessary amendments.

Petition of Matthew Meverell against Sir Thomas Lynch read and referred to Sir Thomas for reply. Abraham Gill's petition also read, but his request to be heard was refused.

Reports of the Commissioners of Customs on certain laws of the Leeward Islands read (*see Nos. 1874, 1875*). Mr. Blathwayt having acquainted the Lords of the Treasury with the practice of the plantations in reference to foreign coin, the Lords remained satisfied that their first opinion was right. *[Col. Entry Bk., Vol. CVIII., pp. 18-21.]*

[Nov. 3.]

1917. Petition of Abraham Gill to the King and Privy Council. Petitioner went to Jamaica, where he established a considerable trade, and owns a plantation, but has been so much oppressed and damaged in his person and his trade by the Governor Sir Thomas Lynch, that he was forced to leave the Island. Begs a hearing to prefer his complaints. 1 *p.* *Inscribed.* Read 3 November 1684. *[Col. Papers, Vol. LIV., No. 62.]*

[Nov. 3.]

1918. "A letter from the Governor of Porto Rico, concerning the sloop Africa." *Spanish.* 1½ *pp.* *Endorsed as headed.* Reed.

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from Sir W. Stapleton, 3 Nov. '84. [Col. Papers, Vol. LIV., No. 63.]

Nov. 4.

1919. Minutes of Council of Barbados. Report of the Committee to inspect the Militia Act, making the following recommendations. 1. Four charges of powder shall be brought into the field on exercising days, under penalty of twelvepence fine. 2. Men of the horse appearing without boots and spurs to be fined five shillings. 3. Men of the foot appearing without shoes and blue stockings to be fined half-a-crown. 4. The particular Act for red coats should be repealed, and the contents of the Act embodied in the new Act. 5. Every return signed by a commissioned officer to be sufficient to the Colonel for signing executions. 6. Running the gantlope should be inserted in all passages of the Act where corporal punishment is appointed for delinquencies. 7. The two clauses for encouraging servants should be read in every parish church on the first Sunday of June and of December, under penalty of fifty shillings fine. 8. No man worth 200*l.* may plead superannuation, but must pay for a substitute. 9. Men of the foot must appear with firelocks, or will be fined as though they appeared without arms. 10. A moiety of the fines to be given to the Colonels to be given at their discretion to inferior officers. *Signed,* Henry Walrond, Edwyn Stede, Timothy Thornhill. Memorandum on the Militia Act. It is proposed to set a penalty on any gentlemen of the horse that refuse to command a troop when riding patrols, the number of officers being insufficient to command the patrols into which the troop is divided. It is also proposed to repeal all other Militia Acts.

The Committee appointed for the purpose brought up its Bill for holding Grand Sessions. The Assembly reported that they had passed Bills for public accounts, and fixing the qualifications of voters. The Governor reminded the Assembly to appoint a Committee to make a collection of the laws, and to pass an Act against pirates. The Council ordered Ralph Lane to be committed to custody for spreading seditious rumours, till he should find good security to take his trial at the next Grand Sessions. Doctor John Goldingham being brought before the Council on the same charge was likewise committed to custody. Orders for payment of 200*l.* to Simon Cooper for work on the fortifications, and of 22*l.* to John Saunders for the same, and of six months' salary due to the gunners and mattrosses of St. Michael's forts.

Nov. 5.

Adjourned; it being gunpowder-treason day.

Nov. 6.

Order for the Secretary to write to Sir John Witham requiring him to deliver up all despatches and public documents, together with all letters, public and private, directed to Sir Richard Dutton, particularly any from the Lord Keeper, the Lord Privy Seal and Colonel Oglethorpe. Ordered that, in view of the crimes of Sir John Witham, he be arrested by the Provost Marshal. The Assembly brought up the Bill for Grand Sessions, and a bill for destroying wild monkeys, which were passed; also a bill for the qualification of voters which was rejected; also a bill to settle the Public Accounts which was

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read twice, and sent back with amendments. The Speaker gave the names of the Committee for making a collection of the laws, and announced that he had been chosen to join one of the Council to draw up an address to the King, thanking him for allowing the fines at Grand Sessions to be devoted to the support thereof. Thomas Walrond was appointed to join the Speaker. Amendment to the Excise Act proposed by the Assembly and agreed to. Adjourned to 18th November. [Col. Entry Bk., Vol. XI., pp. 556-566.]

Nov. 4. **1920.** Journal of Assembly of Barbados. The Committee appointed thereunto reported as to the Militia Bill. Richard Seawell, John Reid, John Waterman, John Davies, John Heathersell, Richard Salter and Robert Bishop appointed a Committee of Public Accounts. Bill for settling Public Accounts read. Bill to settle qualifications of voters.

Nov. 5. Bills to suppress privateers, and for holding Grand Sessions read. Committee appointed to join that of the Council to collect the laws of the country.

Nov. 6. Bill for holding Grand Sessions. Ordered that the Speaker approved the Governor as to a joint address of thanks to the King. Bill for destroying monkeys read. [Col. Entry Bk., Vol. XIV., pp. 10-13.]

Nov. 4. **1921.** Richard Chamberlain to Lords of Trade and Plantations. Pursuant to your letter of 23rd July, Governor Cranfield authorised me to give copies of all records in my keeping to any person requiring them, and to take such deposition as any of the complainants should make, and published the fact in the province. I accordingly attended and delivered any copies that were required to the persons demanding them. But on the 1st instant Mr. Vaughan and Mr. Waldern came to my house with several other persons. I asked them if they had business with me, and most of them said that they had not. I desired all such to withdraw, and all went out but Vaughan and Waldern. They then told me to take their depositions about a writing from Mr. Mason, that the Governor showed them about two years since, a grant of 150*l.* a year for seven years to be paid out of the province. For the better explanation of the depositions I asked whether Mr. Mason's grant was absolute, or if not, for what term. Mr. Vaughan thereupon left the house with Mr. Waldern in a heat, saying he would answer no questions, and so refused to be sworn. Several more who had come at his desire to give their testimonies, at once went away with him, nor has one of them since come to make a deposition nor complained to the Governor that they were denied to give their evidence. I conclude therefore that they will make a clamour to your Lordships against me, so write this short narrative. I enclose copy of the supplemental order for taking depositions and their depositions. They refused to swear to the last words. *Signed,* R. Chamberlain. $1\frac{1}{2}$ pp. *Endorsed.* Recd. 7 Jan. $8\frac{1}{2}$. [Col. Entry Bk., Vol. LXVII, pp. 129-130, and Col. Papers, Vol. LIV. No. 64.] *Annexed,*

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1921. i. Copy of the Governor's order for taking depositions. 20 October 1684. Certified by Richard Chamberlain. 1 p. *Endorsed.*
1921. ii. Copy of a supplemental order for the same purpose. 1 November 1684. Certified as the foregoing. 1 p. *Endorsed.*
1921. iii. Deposition of William Vaughan and Richard Waldern as to Robert Mason's grant of 150*l.* a year to Governor Cranfield. *Undated.* $\frac{1}{2}$ p. *Endorsed.* [Col. Papers, Vol. LIV., Nos. 64 i.-iii.]

Nov. 7.
Whitehall.

- 1922.** Order of the King in Council. Putting off the hearing of the appeal of Sarah Bland to the 19th instant. *Attached,* Petition of Sarah Bland praying for a day when her appeal may be heard. Copies. 2 pp. [Col. Papers, Vol. LIV., No. 65, and Col. Entry Bk., Vol. LXXXII, pp. 318-320.]

Nov. 7.

- 1923.** "A List of the Bills (or Acts) of New York, delivered to Mr. Grahame the 7th day of November 1684 for him to get engrossed." Act of Settlement; Bill for defraying public charges; Act for regulation of proceedings on executions; Bill for repealing former laws as to rates; Bill to prevent perjury; Bill to divide the Point into shires; Bill for a free gift to the Governor; Bill for allowance to representatives; Bill to settle Courts of Justice; Bill to prevent damage by swine; Bill to reward those that destroy wolves; Bill to naturalise strangers; Bill to prevent frauds by registering lands. *With comments against each title.* 1 p. These Acts received the Duke of York's assent on 4th October 1684. See Col. Entry Bk., Vol. LXX., p. 53. [Col. Papers, Vol. LIV., No. 66.]

Nov. 7.

- 1924.** Order of the King in Council. Referring the petition of the proprietors of the Bahama Islands to Lords of Trade and Plantations for report. *Signed,* Phi. Lloyd. 1½ pp. *Endorsed.* Read 8 Nov. and 6 Dec. 1684. *Annexed,*

1924. i. The petition referred to. Though we have carefully refrained from hostilities against the Spaniards, they have always taken our vessels and those trading to the islands, and on the 19th January a party under Don Juan de Larco surprised the town, killed three soldiers, plundered it to the value of 20,000*l.*, and took away a ship. Governor Lilburne in February sent to ask the Governor of Havana if this was done by his order, and he not only justified it but threatened further hostility against the Islands. We pray for redress. *Copy.* 2 pp. [Col. Papers, Vol. LIV., Nos. 67, 67 i., and Col. Entry Bk., Vol. XCVII., pp. 135-137.]

Nov. 7.
Whitehall.

- 1925.** Order of the King in Council. Referring the petition of Thomas Lacy, whose ship was plundered by the Spaniards in 1681, and again at New Providence in 1684, to Lords of Trade and

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Plantations for report. *Signed*, Phi. Lloyd. 1 p. *Endorsed*. Read 17 Nov. and 6 Dec. '84. [Col. Papers, Vol. LIV., No. 68, and Col. Entry Bk., Vol. XCVII., pp. 137, 138.]

[Nov. 7.] 1926. Deposition of Thomas Lacy. Was lying at New Providence on 19th January 1684, when the Spaniards came, plundered the town, carried away his ship and cargo, and killed two of his men, though he made no resistance. He noticed while at Providence that the Government took care that no injury should be done to the Spaniards by the inhabitants, and that no ship was allowed to sail with more than her complement without giving bond not to commit acts of hostility against the Spaniards. 1 p. [Col. Papers, Vol. LIV., No. 69.]

[Nov. 7.] 1927. Narrative of occurrences at New Providence. Governor Clarke hearing that ships from Havana had captured several vessels belonging to the Bahamas, and that a design was meditated against the town, authorised the seizure of some of the Spanish vessels. One of them was taken, and the captain owned that he had captured two English ships by order of the Governor of Havana. This order was prior to Clarke's grant of commissions, but the proprietors resented Clarke's action so much that they removed him from the Government, put in Governor Lilburne in his place, and ordered him strictly to grant no commissions against the Spaniards. In April 1682 one Paine came to New Providence wrecking, with some adventurers, who presently enlisted themselves under a Frenchman, Brashaw, to attack St. Augustine's. Governor Lilburne attempted to seize him but failed. However, he took measures to prevent any ships from attacking the Spaniards, and in return the chief town of Providence was sacked in January 1684; and the Governor of Havana, when asked if he had authorised this, threatened further hostilities in spite of the evidence that Governor Lilburne had done all he could to prevent depredations on the Spaniards. Information has since been received that the Governor of Havana has since sent another party of men to New Providence, burnt all the houses, murdered the Governor and several more in cold blood, stripped the rest of the men naked, and carried away the women, children, and negroes to Havana. 4½ pp. *Endorsed*. Recd. 7 Nov. '84. Read at the Committee 8 Nov. and 6 Dec. '84. [Col. Papers, Vol. LIV., No. 70.]

Nov. 8.

1928. Journal of Lords of Trade and Plantations. Lord Nottingham informed the Lords that the Charter of Massachusetts had been vacated by *scire facias*, and that the King desired them to consider what method of Government would be best, and to prepare a Commission and Instructions for Colonel Percy Kirk to be Governor. The Lords thereupon thought that New Hampshire, New Plymouth, and Maine (if the Attorney-General be of opinion that this last province is devolved to the King) should be added, that the Governor should have a Council of twelve, five to be a quorum, and be able to summon an Assembly when wanted. The Assembly to be

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recommended to pass an Act confirming such marriages as have been made by magistrates, and forbidding them in future. The Commission to be like Lord Howard's, except that martial law is to extend to soldiers in pay, and that a clause be added for the encouragement of the Church of England. The question of appeals and of the Governor's salary are held over, but Edward Randolph is recommended as recorder and secretary.

Petition of the proprietors of the Bahama Islands read, and the business fixed for the 10th instant.

Sir Thomas Lynch's letter of 20th June read (*see No. 1759*). Order for extracts to be sent to the Lords of the Treasury and Mr. Pepys concerning the Receiver-General's office and the Admiralty matters, and to Lord Sunderland about the French in America. The question of the trade with the Spaniards in negroes referred to the Lords of the Treasury. [*Col. Entry Bk., Vol. CVIII., pp. 21-26.*]

Nov. 8.

1929. William Blathwayt to the Secretary of the Treasury. Forwarding an extract from Sir Thomas Lynch's letter of 20th June (*see No. 1759*) respecting the death of Receiver-General Martin. [*Col. Entry Bk., Vol. XXX., p. 275.*]

Nov. 8.

1930. William Blathwayt to the same. Asking the opinion of the Commissioners of Customs as to Sir Thomas Lynch's proposal to encourage the Spaniards to buy negroes at Jamaica, and enclosing extracts of his letters of 2nd November 1683, 28th February, and 20th June 1684 (*see Nos. 1348. 1563, 1759*). [*Col. Entry Bk., Vol. XXX., p. 276.*]

[Nov. 8.]

1931. Petition of Edward Randolph to the King. I have worked for nine years to bring the government of Boston to a regulation, and have attended the prosecution of their charter, against which judgment has now been entered. Having encountered much danger by sea and land in the course of it, I beg, as recompense, for the post of Secretary and Recorder of Massachusetts. *Inscribed.* Read and approved 8 Nov. 1684. 1 p. [*Col. Papers, Vol. LIV., No. 71.*]

Nov. 10. **1932.** Deposition of Thomas Thurton. That in September 1683 New Hampshire. he desired Governor Cranfield to bind over William Vaughan to keep the peace in consequence of his frequent violence and threats towards deponent. Sworn before Richard Chamberlain 10th November 1684. *Certified copy.* $\frac{1}{2}$ p. *Endorsed.* [*Col. Papers, Vol. LIV., No. 72.*]

Nov. 10.

1933. Journal of Lords of Trade and Plantations. Laws of Montserrat. Acts for furnishing ammunition, for appraisement, to prevent seamen from frequenting tap-houses, and for the relief of the poor, amended. Six others approved. Laws of St. Christopher's. Act for appraisement amended. Four others approved. Acts of Antigua. Three Acts approved.

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Petition of the Proprietors of the Bahama Islands considered. The Proprietors were called in and ordered to put their proofs in writing.

Memorandum of documents despatched. [Col. Entry Bk., Vol. CVIII., pp. 26-31.]

Nov. 12.

1934. Sir Richard Dutton to William Blathwayt. I am so much occupied with the business of the Council and Assembly, and the incessant complaints against Sir John Witham since his suspension from the Council, that the whole Council has pressed me that he should be taken into custody till he gives good bail to answer his crimes by due course of law. This has been done, and he will be tried at Grand Sessions before Christmas. I send you the papers concerning the matter. I also send for the Act of Excise. The Act for holding Grand Sessions is passed, with a clause granting 200*l.* a year from the public treasury towards payment of its expenses. This is a perpetual Act. The Militia Act will be passed next morning, also perpetual. Extract. [Col. Entry Bk., Vol. VII., pp. 247-248.]

Nov. 12.

1935. Edwyn Stede to Sir John Witham. The Governor having taken your weakness into consideration, will grant you bail to appear at the next Grand Sessions, and has ordered me to write to Major Pocock, Captain Evans, and Captain Bushell, that they or two of them, Major Pocock being one, take your bail, yourself in 5,000*l.*, and two sureties each in 2,500*l.* The Governor is still much dissatisfied for want of his letters, which he is sure came to your hands, and were in some measure answered by you. He awaits a letter from the Lords ordering the Council and Assembly books to be transcribed and sent home, and copies of those letters which you say concern yourself, and which you are willing to deliver yourself. There are rumours spread by people who say that they had it from yourself that you have some extraordinary commission about the government of this Island. The Governor requires you to send a copy of any order or commission you may have touching the government in case of his absence or death. Copy. 2 pp. Endorsed. [Col. Papers, Vol. LIV., No. 73.]

Nov. 13.

1936. William Blathwayt to Samuel Pepys. Asking the opinion of the Admiralty on Sir T. Lynch's letter of 20th June (see No. 1759) respecting the powers of the Admiralty in Jamaica, and the expediency of sending thither another frigate. [Col. Entry Bk., Vol. XXX., p. 275.]

[Nov. 14.]

1937. Petition of the General Assembly of Bermuda to the King. Begging redress from the deplorable condition caused by the Company. Since the *quo warranto* was ordered, it has taken away a share of land from an inhabitant and committed through its Governor many injustices (see No. 1913). *Thirty-three signatures. Broad sheet. Endorsed. Recd. 14 Nov. Read 6 Dec. '84.* [Col. Papers, Vol. LIV., No. 74.]

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Nov. 15.
Jamaica.

1938. Colonel Hender Molesworth to William Blathwayt. Sir Thomas Lynch advised you about a parcel of doubloons that was embargoed by order of the Governor of Cartagena as the property of the Assiento and placed in my own and Captain Penhallow's hands. We have lately paid the money to Don Nicholas Porcio's agent, who established his claim thereto. Captain Tennant sailed for Nevis a fortnight ago under orders for the Admiralty. Captain Mitchell has lately been at Cuba to relieve some of our sloops that were blockaded by Spanish periagos. He went out yesterday to look for a great Spanish ship that is bound hither for negroes. As she may have fallen to leeward, he has orders to cruise as far as Point Negril and convoy her if he meets with her. Captain Stanley on his way to Trinidad with my letter to the Governor was forced by foul weather into a bay twenty-five leagues short of it, when a boat that he sent ashore was captured. *Recapitulates Stanley's account, see No. 1939 II.* At the same time Captain Stanley rescued four of our turtlers' sloops from a French privateer, and finally brought away with him nine or ten turtlers or traders which had been driven away by the perpetual pursuit of the same galleys and periagos. The galleys are what are called half-galleys in the straits, and carry eighty to a hundred and twenty men; the periagos carry from fifty to seventy. There are two galleys and seven periagos in all. Captain Stanley thought it better, therefore, to leave the coast before any more of them united; so he did not deliver my letter, nor does he know what is become of his seven men and the pilot, who was the person in whose favour my letter was written. I made the owners of his sloop pay for an additional fifteen men on the Bonito, or it might have gone hard with her. Captain Stanley must careen her before he can go out again. The turtling trade being thus lost for a while, Port Royal will suffer greatly. It is what masters of ships chiefly feed their men on in port, and I believe that nearly two thousand people, black and white, feed on it daily at the point, to say nothing of what is sent inland. Altogether it cannot easily be imagined how prejudicial is this interruption of the turtle-trade. We must inevitably set ourselves to remove the existing obstructions; it may be difficult, but our own galley must be the chief engine, with two or three small vessels to attend her. But meanwhile the Treasury is empty and people weary of contributing, so that I cannot quickly resolve what is to be done. It is lawful, I hope, to beat from our doors the wolves that lie in wait for our sheep. We seek to harm no others. The Spaniards who took Providence sacked a whole country for the robberies of a few that belonged to it, but we seek only to make the guilty suffer. Three of these periagos are the same that plundered Providence the second time without a commission. It is said that they had a commission the first time, and that the Governor of Havana took all the spoil into his own hands for his own security, in case the King of Spain should be forced to pay damages to the King of England.

A gentleman of quality in Cuba has given information that they design an invasion of the north side of this Island, in the hope of getting negroes. It is not unlikely, and I have instructed the

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officers in that quarter to be very vigilant. I have ordered depositions to be taken as to our recent losses, but several of the most material evidences are not in port and must follow by my next. These galleys and periagos are mostly manned by Greeks, but they are of all nations, rogues culled out for the villanies that they commit. They never hail a ship; and, so they can but master her, she is certain prize. They lurk in the bushes by the shore, so that they see every passing vessel without being seen. When our sloops are at anchor they set them by their compasses in the daytime, and steal on them by night with so little noise that they are aboard before they are discovered. The Greek who was captain of a Spanish vessel, and was condemned for piracy in Sir T. Lynch's time but reprieved, has since been accused of further piratical acts. I set the law in motion, and he will be executed on the 17th. The delay in hanging him was the occasion of so much stickling for Bunister. The Spaniard in this port has got but 150 negroes for both his ships; he would gladly send the smaller of the two ships away, but can get no convoy. When the great ship that is supposed to have fallen to leeward arrives, there will be freight enough for 1,500 negroes, and money to pay for them. Besides these another ship is expected from Cartagena that would carry 400 more. What precious opportunities are lost for want of negroes! These ships cannot be supplied here unless the negroes be sent for from Barbados or Curacao, for this country must also be supplied in some measure.

By this ship go home bills upon the Navy for the two frigates and the sloop; half of them were accounted for in Sir T. Lynch's time and the rest in my own. All are ordered to the Royal African Company, the money being taken up from the factors here. It was with little reason that Sir T. Lynch's enemies talked of his great gains, for if this way of satisfying the naval officer had not been discovered he would have had to wait long for his money, for Sir Thomas had no cash when he died, and my lady was forced to borrow 500*l.* to pay for his funeral. True, large sums are due to him from the Treasury, but there is no money in it at present. It is uncertain what will be found in Martin's hands, and the daily receipts are drained away by the contingent expenses of the fortifications, which are always to be first paid. I wrote to Sir Henry Morgan of the order I had to sue him for the Vyner's and privateers' money. He asked me to wait till he came to town in February, when if he could not satisfy he should agree to go to trial. I consented the more readily since I find the privateers' money entered in the Council Book and passed by Sir T. Lynch for the salary allowed him from the date of Sir T. Lynch's embarkation to his arrival. For this and for other reasons he may cast us if we sue him.

Nov. 16.—If my Lords think that our turtlers and traders should be protected, I hope they will procure us a small sixth-rate frigate in lieu of the Guernsey that is gone. For unless these galleys and periagos are discouraged there is no safety for trade or plantations on the north side of the Island. The Ruby is but enough to awe the greater sort of rogues, and is too big for the ordinary ones who

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find protection in shoal-waters. The Bonito does good service by crushing the little rogues before they grow bigger, but there is still a middling sort which she cannot deal with, and for which a sixth-rate would be most proper. I hope therefore that our solicitors will procure us substitutes for the Ruby and Bonito, when they are ordered home, and a sixth-rate. The Spanish ship I wrote of above is come into port without having seen the frigate, but the frigate is not misplaced where she is gone, for she is as likely to meet interlopers and pirates there as anywhere. *Signed, Hender Molesworth.* *Seven closely written pages.* *Endorsed.* Recd. 14 Feb. 1683/4. Read 28 Feb. [Col. Papers, Vol. LIV., No. 75, and Col. Entry Bk., Vol. XXXI., pp. 1-11.] Annexed,

Jamaica.

1938. i. Deposition of John Greene, master of the sloop Blessing of Jamaica. On the 8th instant while returning from turtling in the South Cays he met the sloop Success, from which he learned that Captain Derrick and seven more men were taken, that the Bonito and three sloops more had fought a Spanish galley and periago all yesterday, and that three strange sloops, one flying English colours, had landed on one of the Cays and plundered three men of all they had. Sworn before John Webbe. 13th November 1684. $\frac{3}{4}$ p. *Inscribed.* Recd. 14 Feb. 1684-5.

1938. ii. Captain Stanley, R.N., to Lieutenant-Governor Hender Molesworth. On the 12th October I sailed for Trinidad in Cuba, pursuant to your orders. Meeting with contrary winds I was forced to put in to Port Maria on the coast of Cuba to water. I arrived there on 5th November, and on the 6th sent my boat ashore with water casks, with the pilot and seven men all unarmed, but flying the King's jack to protect her. The pilot said that he would return in two hours, but as he did not appear I mistrusted that he was seized and made every preparation for defending my ship. On the 7th at 6 a.m. I saw a galley rowing close under the shore and put into a creek about two miles to eastward of me. I at once got up sail, but had no sooner done so than I saw the galley and a periago coming under sail and oars, the galley flying the Spanish flag with a red ensign and the periago the King's jack, which he had taken in my boat. I fired at the galley when she came within range, and she at me, and we were engaged from nine to eleven, when they got into the creek where there was not water for me to follow them. I then sailed to the Isle of Match to acquaint the turtling sloops, and anchored there, and next morning I took three of them under my convoy and sailed for Boage Pavillione. At two o'clock seeing smoke on an island I anchored under it and obtained advice of a French privateer of sixteen guns and 180 men, commanded by one Captain Braugham

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[? Breha] which lay at Boage Pavillione with four English sloops. Having seven sloops under my convoy I sailed for that place, and at nine next morning anchored by Braugham and sent on board him to ask why the four sloops with him did not hoist their English co'ours. He then came on board me and said that he had been forced to do what he had done for want of provisions. I then demanded of him two turtling nets which he had taken from William Merriman and Theophilus Smith ; but these were proved to have been made by and bought from Spaniards. He promised to end all differences next morning, but the wind blowing fresh in the night he hove up anchor and went to sea. *Signed*, Edw Stanley. Sworn to before John Webbe. 14th November 1684. 2 pp. *Endorsed*. Recd. 14 Feb. 1684/5.

1938. III. Deposition of John Dorell, of the sloop Blessing. On the 3rd October when fishing for turtle in the South Cays, saw a Spanish periago, apparently of seventy men, which bore up to the sloop and fired eight patararoos and several small shot at her. Whereon deponent and his men, to e cape falling into their hands, abandoned the sloop and made for one of the Cays in a canoe. The periago seized the sloop and took her away, and next morning a party of armed men landed on the Cay to search for them, insomuch that, to hide themselves, they were obliged to sit in water half the day. They were picked up next day by a turtling sloop. Sworn before John Webbe. 1 p.

Deposition of Isaac Cornwall confirming the above Sworn as the foregoing. $\frac{1}{4}$ p. *Endorsed*. Recd. 14 Feb. 1684/5.

1938. iv. Deposition of Samuel Kempthorn, master of the sloop St. Thomas. On 17th September I was lying in the roads at St. Jago, Cuba, when a Spanish half galley of sixty-five men, one "Cushee-piece" and six patararoos came alongside me and presented all his small arms as if to fire into me ; but directly after an order came from the Governor to the Captain to leave me alone. On the 18th arrived a periago of fifty-four men and two guns, with a French ketch captured off St. Domingo. After the arrival of these I was much ill-treated, and threatened to be shot myself, and my vessel to be burnt. Next day a half galley and two periagos arrived on the coast to cut me off on my return to Jamaica, giving out that they would not leave the coast till I was taken. I was forced to wait two months till the arrival of H.M.S. Ruby, at considerable loss. The men belonging to these vessels were very insolent, saying that they meant to take all the English they met with, and give no quarter. I was asked by a gentleman at St. Jago to warn the Governor

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that periagos meant to come to the north side of Jamaica to take what negroes they could. Sworn before John Webbe. 1½ pp. *Endorsed.* Recd. 14 Feb. 1684/5.

1938. v. Deposition of Anthony Griffin, master of the sloop Prosperous. At the beginning of this month I was leaving the South Cays with turtle when two sloops, which I had thought to be English, ordered me to anchor, and some Frenchmen came on board and took me prisoner. Anthony Hawkes of the sloop Elizabeth was also taken a few hours later, and we were all carried to Boga Pavillione, six leagues off which Captain Breha was lying with his ship. He took all our turtle and detained us for three days, when H.M.S. Bonito rescued us. Sworn before John Webbe. 14th November 1684. 1 p. *Endorse*t*.* Recd. 14 Feb. 1684/5.

1938. vi. Deposition of Captain Boucher Clauson, of the sloop Hereford. In August 1683 while on voyage to Jamaica I was driven by stress of weather to the Cuban coast, anchored four leagues to windward of St. Jago, and sent a boat ashore for water, but made no attempt to trade. While I was at anchor there came one Juan de Costa, in a periago of fifty men, who at once opened fire of small arms and dangerously wounded one man. I made no resistance, but they boarded and, in spite of my protests that I had done no trade, forced me into St. Jago, where the Governor and Juan Costa detained both sloop and goods, to the value of 4,000*l.*, without any examination of me or any legal process. By advice of the inhabitants I appealed to the Court of St. Domingo, where I received an order for the seizure of the Governor's estate to satisfy my claims. Sir Thomas Lynch sent H.M.S. Guernsey to St. Jago, expecting execution of this order, but I was put off by different pretences, and threatened by some of the Governor's friends that they would kill me if I came again. Sworn before John Webbe, 15th November 1684. 1 p. *Endorsed.* Recd. 14 Feb. 1684/5. [Col. Papers, Vol. LIV., Nos. 75, 75 i.-vi.]

[Nov. 15.] 1939. Petition of Anne Fisher to William, Earl of Craven. My son William Fisher was sent out by Christ's Hospital on the King's account as apprentice to Elias Clifford, to learn the art of navigation. Clifford, nine months ago, sold his ship in Barbados, went to Carolina, and there enslaves my son, digging and planting. I beg your orders to the Governor of Carolina that he may be sent home. [Col. Entry Bk., Vol. XXII., p. 40.]

Nov. 15.

1940. Lords Proprietors of Carolina to Governor Sir Richard Kyrle. We have received a petition from Mrs. Anne Fisher (*see preceding abstract*). If the facts be true, and Clifford declines to give security to teach Fisher navigation in future, you will put the law in motion to secure Fisher's release. Signed, Craven, Albemarle, P. Colleton. [Col. Entry Bk., Vol. XXII., p. 40.]

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Nov. 17.

1941. Journal of Lords of Trade and Plantations. Draft commission to Colonel Kirk. Narragansett country to be added. The King's pleasure to be asked as to assemblies, confirmation of land, settling of quit-rents, and a great seal. Appeals to lie to Governor and Council; military power to lie outside the Council; no appeals to England till the Government be settled; liberty of conscience to be granted; taxes to be continued; judicial proceedings and marriages to be confirmed; law against pirates to be passed. Instructions to be modelled on those of Virginia, with a clause that nothing be printed in New England without the Governor's permission.

Affidavits were sworn by several witnesses in support of the petition of the Proprietors of the Bahamas.

Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVIII, pp. 32-35.]

Nov. 17.

1942. Affidavit of Robert Gower. Has traded to New Providence for several years. In September 1683 he shipped off goods to the value of 800*l.* to New Providence. Hears since that most of them were taken by the Spaniards, whereby his loss is over 400*l.* $\frac{1}{2}$ p. Endorsed. Sworn at the Committee, 17th November 1684. [Col. Papers, Vol. LIV., No. 76.]

Nov. 17.

1943. Affidavit of William Godding. While sailing past Porto Rico in July 1683 bound for New Providence he was captured by Spaniards, his goods taken, his ship burnt, and himself and others taken prisoners, and carried to Vera Cruz, Havana, and Cadiz. One of his companions died on the voyage to Cadiz of hard usage. 1 p. Sworn before the Committee, 17th November '84. [Col. Papers, Vol. LIV., No. 77.]

Nov. 17.

1944. Affidavit of Richard Lilburne. Recapitulating the story of Governor Clarke's recall and his own appointment, the oppression of the Spaniards (see No. 1927), and his own efforts to prevent depredations on them, the sack of the town of New Providence, and the Governor of Havana's answer to his remonstrances. Signed, Rd. Lilburne. 3 pp. Endorsed. Sworn at the Committee, Nov. 17, '84. [Col. Papers, Vol. LIV., No. 78.]

Nov. 17.

1945. Affidavit of John Shaw. That his losses through the sack of New Providence amount to about 470*l.* $\frac{1}{2}$ p. Endorsed. Sworn at the Committee, Nov. 17, '84. [Col. Papers, Vol. LIV., No. 79.]

Nov. 17.

Nevis.

1946. Sir William Stapleton to Lords of Trade and Plantations. I send two Acts for which I beg the Royal assent. One is absolutely necessary to quiet the inhabitants concerning their titles, the other is for the satisfaction of labourers. There is not in the statute of labourers the provision which may be necessary with us to content them, for they are often delayed, if not cheated of their labours, nor are we learned in the laws nor aware how far the statute law extends to the Colonies. Signed, Wm. Stapleton.

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Holograph. 1 p. Endorsed, Recd. 31 Jan. 168⁴₅, with two Acts passed in Antigua, 28 Oct. '84. Read 15 April 1685. [Col. Papers, Vol. LIV., No. 80, and Col. Entry Bk., Vol. XLVII., p. 177.]

Nov. 13. Westminster. **1947.** The Danish envoy to the King. By the enclosed you will learn of the unjust proceedings of your Governor in the Leeward Islands, and his acts of hostility towards Danish subjects in St. Thomas. I have to request that you will cause Sir William Stapleton or his successor to make restitution or compensation for what he has taken from Danish subjects, and to abstain from similar conduct for the future; and if one of the Governors has complaints to make against the other, let them not come to extremities, but remit the matter home to their sovereigns. As a very speedy restitution of boats stopped by the Governor of St. Thomas was made two years ago, I doubt not of a like return from your Majesty. *Signed, C. de Lente. Copy. 1½ pp. Annexed,*

1947. i. The Governor of St. Thomas to the King of Denmark. I have already complained that lately an English Captain coming under pretence of friendship with letters of recommendation from Sir William Stapleton set fire to a frigate of the King of France, which was delivered to me by a vessel of that nation. This was Stapleton's first act of hostility. I had no sooner made the restitution under your orders of 7th March 1685, than he carried away a vessel with her cargo that was aground just before this harbour, under some pretence of sovereignty. Not content with this, he detained the goods of the Company and men at Nevis contrary to his word. He causes our subjects to be attacked near our lands, has taken our Secretary Boreel prisoner, and carried him to Nevis with three negroes, though we proved to him that the last were slaves of the Danish West India Company, and will not restore them. He has caused a barque to be taken under our Island of St. John on her return from Barbados, and has given orders to treat all Danes outside St. Thomas as enemies. Only a month ago a Spanish brigantine, in the company of some inhabitants of Nevis, came and landed in a desert place of this Island and carried away sixty slaves. I am assured that Stapleton has a design on this Island, thinking the fort convenient, and therefore he tries by all possible means to catch me, dead or alive, to make himself master of the place. For this purpose he sent a barque hither lately, with a great many people on board, who under a frivolous pretence came to make a friendship with me, hoping to carry me off, and afterwards possess himself of all. I gave them no access to me, and made them presently leave the port. I have intercepted a letter from which I find that the English try to stir up the inhabitants of this Island to insurrection. They have taken away our cattle, and have answered our distressed

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inhabitants that the Island and everything in it belongs to them. A pirate came to this port a little while ago with his vessel, but without making himself known, nor obtaining permission. I made his crew prisoners and finding that they had been guilty of piracy, I hanged them, to take away the ill reputation that our neighbours try to fix on this Island. *Dated, Christianfort, St. Thomas, 7 July 1684. Copy. 3½ pp.*

1947. II. The Governor of St. Thomas to Sir William Stapleton. A declared enemy cou'd not exercise acts more hostile than you, in carrying away slaves without declaration of war or reason alleged. I demand immediate restitution and damages for the injuries inflicted by your inhabitants, who appear to have your passports for what they do. I warn you that if you refuse satisfaction the King my master will take it if need be. I know not why you keep Matthew Boreel prisoner. If his wife, who is dangerously ill, should die, I will send you all her seven children to main'ain. I expect early satisfaction from you. *Dated, Christiansfort, 11 June 1684. Copy. 2 pp.*
1947. III. Extract from a Commission of Sir W. Stapleton to Colonel Thomas Hill, authorising him to secure any persons that he may find in the Virgin Islands, especially Dances, and bring them to Nevis. *Dated, 3 April 1684. Copy. ½ p. The whole endorsed, Recd. and read 22 November 1684. [Col. Papers, Vol. LIV., Nos. 81, 81 I-III., and (without enclosures) Col. Entry Bk., Vol. XLVII., pp. 165-166.]*

Nov. 18.
Treasury
Chamber.

- 1948.** Henry Guy to William Blathwayt. Forwarding the reply of the Commissioners of Customs to his letter of 8th instant (*No. 1930*). *Here follows copy of the letter dated 22nd August, to following effect.* We quite agree that the King's letter of 12th May 1677 concerning the negro trade in Jamaica should be continued, and think that the trade should be encouraged. *Signed, Ch. Cheyne, J. Buckworth, N. Butler, W. Dickin·on. [Col. Entry Bk., Vol. XXX., pp. 277-278.]*

Nov. 18.

- 1949.** Colonel Hender Molesworth to William Blathwayt. Just as my packets were made up the enclosed depositions were brought me, with advice that more would have come had time permitted, and that a crowd of sloop-men are ready with a petition for redress. So I shall go to the Point and endeavour to quiet them, for they are exasperated almost to mutiny, especially since seven sloops returned empty on two consecutive days. This afternoon the Spanish factor with one of his captains came to me with great complaints that they had been affronted by some unknown people, and could not pass the streets in peace. But their chief complaint is against Captain Phipps of H.M.S. Rose who is said, upon some mistaken punctilio of the sea, to have fired a shot at one of the Spaniards, who had on a festival day put his pendant under

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his ram, and made him take it in. Captain Phipps meeting the Spanish captain in the street, with a rabble at his heels, told him that if he did not pay him for his shot he would take his sword from him. The Spaniard was unwilling either to give up his sword or to pay the money, and the rabble was ready to have laid hands on him if a gentleman passing by had not taken ten shillings from his pocket and paid it for him. I am told that this is not Phipps's first affront to the Spanish captain, but that he constantly seeks occasion for it, being egged on by ill-wishers to the trade. The Spaniards were so sensibly concerned that the factor asked leave to send his two greatest ships away, which I could not refuse, though I cannot think where they will go. I ordered Captain Phipps to come to me and explain his conduct, but as he is on the point of sailing I doubt whether he will do so, or, indeed, whether he thinks himself bound to obey. Valuing himself on his independence and his private instructions, he may run into further mistakes and not think himself accountable to this Government. This will show you how liable we are to be affronted by capricious captains. When privately animated by enemies to the Government they are ready to raise a faction against the authorities of the place, and, as it were, to use the King's name against himself. This man never had better than a carpenter's education, and never before pretended to the title of captain; but now he assumes it, though he cannot yet show a commission for it, and takes more to himself than any other of the King's captains. I must do justice to the Government and the Spaniards but will endeavour to do so without hindering his voyage. I enclose copy of the letter that I wrote to him. I hope that in future, when ships put in here accidentally for relief, their commanders may be better instructed, and not go about to disturb the Government and take part with the disaffected. *Signed, Hender Molesworth. 2½ pp. Endorse^d.* Recd. 14 Feb. 1684/5. Read, 23 Fe^b. [Col. Papers, Vol. LIV, No. 82, and Col. Entry Bk., Vol. XXXI, p. 12-15.] Annexed,

1949. i. Deposition of Peter Clayton, Master of the sloop Eagle. On the 6th instant I was in company with two sloops more, with H.M.S. Bonito, Captain Stanley, at the mouth of Porta Maria harbour, Cuba, when Captain Stanley sent his boat ashore for water. (*Confirms Stanley's account abstracted above, No. 1938 II.*) I am part owner of two boats that were fishing at the South Cays at that time, which were captured by the French privateer under Captain Braugham [Breha], and recaptured a few days later by the Bonito. But the privateer had damaged the craft, &c., to the value of 160*l.* Sworn before John Webbe, 18th November 1684. 1 p. Endorsed, Recd. 14 Feb. 1684/5.

1949. ii. Deposition of Francis Powell, Master of the sloop Speedwell. I was fishing at the South Cays on the 6th instant, when I was pursued by a sloop with some of Captain Breha's Frenchmen, and compelled to return, to

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- the loss of my voyage. Sworn before John Webbe, 18th November 1684. $\frac{1}{2}$ p. *Endorsed as the foregoing.*
1949. III. Deposition of Daniel Pindar, Master of the sloop Greyhound. While at the South Cays at the beginning of this month I was boarded by a periago with several men, commanded by Captain Breha, who cut our cable and compelled us to catch turtle for them for several days till rescued by H.M.S. Bonito. Sworn before John Webbe, 18th November 1684. 1 p. *Endorsed, Recd. 14 Feb. 1684/5.*
1949. v. Deposition of Joseph Crockeyes, Master of the sloop Providence. Eighteen months ago, while fishing in the South Cays, I was pursued by two Spanish periagos under Jean Costeau [? Juan Corso], and forced to abandon the sloop, which was taken into St. Jago. I heard that Costeau declared he would have killed every man in her or any other vessel that he found turtling.
- Deposition of Nicholas Griswold confirming the above. Sworn before John Webbe, 18th November 1684. *Endorsed as the foregoing.*
1949. v. Deposition of Anthony Hawkes, Master of the sloop Elizabeth. At the beginning of this month I was fishing in the South Cays, and had taken fifty turtle in the sloop and in the craule, when we found two sloops of Captain Breha's alongside the craule, who took all the turtle, and kept us prisoners for three days, till rescued by H.M.S. Bonito. Sworn before John Webbe, 18th November 1684. 1 p. *Endorsed. Recd. 14 Feb. 1684/5.*
1949. vi. Deposition of John Griffin, Master of the sloop True Love. On my way back from turtling at the South Cays I was met by a ship under Captain Breha who took thirty turtle from me by force. Sworn before John Webbe, 18th November 1684. 1 p. *Endorsed as the foregoing.*
1949. vii. Deposition of Henry Smith, Master of the sloop Seaflower. While fishing in the South Cays at the beginning of this month I was boarded by Captain Breha and his men, who compelled me to fish for them, and detained us a week until we were rescued by H.M.S. Bonito. Sworn before John Webbe, 18th November 1684. $\frac{1}{2}$ p. *Endorsed as the foregoing.*
1949. viii. Deposition of Edwin Carter, Master of the sloop Success. On the 4th instant, while on voyage to Jamaica, we met with a Spanish periago of about forty-five men, who violently boarded us, plundered us of everything down to our clothes, leaving not so much as a spoon, a knife, or an oar. Because I asked the reason of this they tied my hands behind me and hoisted me up with ropes, and struck me several times. Sworn before John Webbe, 18th November 1684. 1 p. *Endorsed as foregoing.*

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1949. IX. Colonel Hender Molesworth to Captain Phipps. I desire to speak to you to-morrow respecting your affront to the Spaniard. If you have any other orders or powers that I know of, let me see them, for I must report your conduct by the ship now bound to England, and await your justification. *Copy.* $\frac{1}{2}$ p. *Endorsed as foregoing.* [Col. Papers, Vol. LIV., No. 82 I.-IX.]

Nov. 18. **1950.** Minutes of Council of Barbados. Order for issue of precepts for holding Grand Sessions. George Hannay to treat for the usual house and see that it be fitted. [Col. Entry Bk., Vol. XI., p. 560.]

Nov. 19. Whitehall. **1951.** Order of the King in Council. Referring the examination of the appeal of Sarah Eland to Lords of Trade and Plantations. *Signed,* Phi. Lloyd. 1 p. *Endorsed.* Recd. 4 December '84. Read 17 and 20 Jan. [Col. Papers, Vol. LIV., No. 83, and Col. Entry Bk., Vol. LXXXII., p. 320.]

Nov. 20. **1952.** Minutes of Council of Virginia. Order for copies of the deposition respecting the murder of Christopher Rousby by George Talbot, with a whole statement of the case, to be prepared and remitted to the King for his orders thereon. [Col. Entry Bk., Vol. LXXXIV., pp. 208-209.]

Nov. 22. **1953.** Journal of Lords of Trade and Plantations. The King's pleasure was announced that no mention of an Assembly be made in Colonel Kirk's Commission, but that all power be vested in the Governor and Council till further orders; that marriages and judicial proceedings should be confirmed by the Commission; that liberty of conscience be granted by the instructions; that a public seal will be ordered. The Attorney-General's report concerning Maine, that it devolves on the King, read and approved. Draft Instructions to Colonel Kirk read. He is to nominate the Council, and by private instructions the Secretary and displaced Magistrates shall be of it; Acts made by the Governor and Council shall continue in force till the King's pleasure is known. The Lord Keeper was asked to receive the King's pleasure whether the present taxes shall be continued or new taxes raised. Colonel Kirk is not to leave his government without permission; lands shall not be granted without reservation of a quit-rent of at least two shillings and sixpence per hundred acres; one of the churches in Boston shall be appointed for the Church of England; the planters shall be armed if the Council advise it; the Commissioners of Customs are to draft instructions concerning trade, and the question of the Boston mint is referred to the Commissioners of the Mint. An instruction shall be framed about the French who are subduing the Indians at the head of the Connecticut river. The Lord Keeper is desired to receive the King's pleasure as to the Governor's salary.

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The Danish envoy's memorial of 18th November read (*see No. 1947*). The Lords agree on their report (*see next abstract*). Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVIII, pp. 35-39.]

Nov. 22. **1954.** Report of Lords of Trade and Plantations to the King, on the memorial of the Danish envoy, Mr. Lente, of 18th instant. It would be easy to prove how unjust is the complaint of the Governor of St. Thomas; but since Sir William Stapleton will be shortly returning, it is proposed to inform the Danish envoy that Sir William will be best able to justify his proceedings on his arrival. [Col. Entry Bk., Vol. XLVII, p. 167.]

Nov. 22. **1955.** Memorandum as to the province of Maine. The Charter of Massachusetts granted the Company a tract of land with boundaries specified, on pretence of which boundaries the Company possessed themselves of two adjacent provinces. The Proprietors of these provinces appealed to the King in Council and obtained an order for restitution of their properties. Meanwhile the Company bargained with one of the Proprietors for his province, and for 1,200*l.* possessed themselves by deeds in the name of certain merchants of New England, and have ever since exercised jurisdiction in that province of Maine in the Proprietor's name. Meanwhile the corporation is dissolved by judgment upon a *scire facias*. *Query*, Does the province of Maine likewise devolve to the King? *Written below*: The Attorney-General's opinion. I conceive the trust of the Government of the province of Maine which was in the Corporation is devolved to the King; and as to the trust of the property of any lands there not sold to private proprietors, I conceive that the same will be attendant upon such government as the King shall appoint there for defraying the charge thereof, it being a trust for a corporation for the government of that place. *Signed*, R. Sawyer. *The whole 1½ pp. Endorsed. Reed. 17 November 1684. Read, 22nd.* [Col. Papers, Vol. LIV., No. 84, and Col. Entry Bk., Vol. LXI., p. 217.]

Nov. 22. **1956.** [William Blathwayt] to Henry Guy. The King having appointed Colonel Kirk to be Governor of Massachusetts, my Lords wish the Commissioners of Customs to prepare draft instructions for him in the matter of trade and navigation, and to give their opinion on the clause annexed, concerning trade and engrossing of commodities. They would be glad to receive a report from the Commissioners of the Mint whether the King shall continue the mint in Boston for his own use or abolish it. [Col. Entry Bk., Vol. LXI., p. 218.]

Nov. 22. **1957.** A list of papers concerning the ship Trompeuse, New England (*see No. 1862*), in the handwriting of Sir Richard Lloyd, being his receipt for them. ½ p. *Endorsed.* [Col. Papers, Vol. LIV., No. 85.]

1684.
Nov. 23.

1958. Instructions from Colonel Hender Molesworth to Captain Mitchell, R.N., H.M.S. Ruby. You will forthwith sail to Petit Guavos and deliver my letter to the Governor, demanding satisfaction for a sloop of this island unlawfully seized by Captain Yankey. If the Governor justifies Yankey, you will protest against the injustice of the proceedings. If he seems to admit the illegality of the proceedings of the privateers you will consider Yankey as a pirate and tell the Governor that you will treat him as such. But if he lay the blame on the Intendant of Martinique we must carry our complaint elsewhere. If you meet with Yankey on your way you will endeavour to seize him and carry him with you to Petit Guavos. If the Governor justifies him you will deliver Yankey to him; if not, you will bring Yankey here for trial. You will demand delivery of all English subjects engaged in privateering, but not compel it by force. *Copy.* 3 pp. *Endorsed.* Recd. 31 March 85. [Col. Papers, Vol. LIV., No. 86.]

Nov. 24.

1959. Journal of Lords of Trade and Plantations. Report of the Commissioners of Customs concerning the trade of the Spaniards for negroes read (*see No. 1948*). The Lords agreed as to the draft of a letter to the Governor of Jamaica (*see No. 1974*). Colonel Molesworth's letter of 30th August read (*see No. 1852*). His proceedings to be approved. The questions of the Receiver-General and of the frigates to be referred to the Treasury and Admiralty.

Agreed that the laws of New England be transcribed and amended. Memorandum of documents sent and received. [Col. Entry Bk., Vol. CVIII., pp. 40-44.]

Nov. 24. **1960.** Certificate of Richard Chamberlain, that Governor New Hampshire Cranfield never forbade the supply of copies of public records, with the exception of those of Gove's trial, which he deferred until a copy should be sent to the King. *Certified copy.* $\frac{1}{2}$ p. *Endorsed.* [Col. Papers, Vol. LIV., No. 87.]

Nov. 25.
Braintree.

1961. Petition of William Veazie to the Bishop of London. Your Lordship is a Jehoiada and a ruler in and over the house of God, and I know myself to be a genuine son of the Church of England, so I feel emboldened to lay my complaint before you. I with my children am practically cast out of the heritage of the Lord, not being confirmed nor received to the Holy Communion. Holy discipline also is neglected. We are rent and torn by separations and divisions. There are in this town at least five or six hundred souls, and only about sixty are received to Holy Communion, a great part of them unbaptized. Many desiring it were not admitted because they could not assent to their way. I desire not the recording of my brothers' or teachers' infirmities; but pray intercede for us for the healing of our divisions. *Signed,* William Veazie. 1 p. *Inscribed and endorsed,* Rec. 14 May '85. [Col. Papers, Vol. LIV., No. 88.]

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Nov. 25.

1962. Deposition of John Thorp, Captain, and James Wale, Owner, of the sloop James. On the 4th October we met Captain Yankey in the ship Dolphin off Carthagena, who fired a volley of small shot into our sloop, in spite of our showing our colours, and ordered us on board him, while his men plundered our sloop. We were kept prisoners for six weeks till he came to Petit Guavos, where the Intendant and Council voted her good prize. The Governor and Intendant told us that the decision was against their votes, which is apparent from the fact that the Governor did not accept his tenth of the value. We protested against the judgment to the Intendant, but he gave us reviling language, and told us to go and complain to the King of England. Laurens, the pirate, who gave Yankey his commission, took three barre's of flour from our ship, and Yankey told us that he had had forty-eight men from the Trompeuse, and hoped shortly to take some negroes from the plantations in Jamaica.

Deposition of Henry White, formerly belonging to Yankey's ship. Confirms the fact of the taking of the sloop, and adds that some Spaniards on board were tortured.

Deposition of Antonio Belia, Antonio Ferrera, and Antonio de la Pena. That being questioned at Petit Guavos whether Thorp and Wale brought any arms and ammunition for sale to Spaniards, or any Spanish goods on board, they said that they did not.

Depositions of William Wilmot and others, petty officers of the James. Confirming the facts stated in the above depositions. *Copy. 7½ pp. Endorsed.* Recd., 31 March. Read 4 April 1685. [Col. Papers, Vol. LIV., No. 89.]

Nov. 26.
Virginia.

1963. Lord Howard of Effingham to the Earl of Sunderland. I am sorry that the first occasion of my asking your directions is due to an unfortunate accident, but I have no precedent to guide me. Colonel George Talbot, the first Councillor empowered by Lord Baltimore as Governor for Maryland in his absence, went on board the ketch Quaker, riding, as they say, nearly two miles within the point of Patuxen River, where, after trying to quarrel both with Captain Allen and Mr. Christopher Rousby (who was on board on the King's service) he stabbed Rousby with a short dagger, which was newly prepared and sharpened, evidently for some ill design, though it is uncertain whether against Rousby. Captain Allen brought Talbot to me to be proceeded against. The Council of Maryland demanded him in the proprietor's name to be tried within their province. But though the law seemed to favour their demands, the crime was so horrid that I refused to return him pending instructions from the King and the Duke of York, being unwilling to lessen the authority given me by the Duke as Vice-Admiral, which empowers me to punish offences of this nature within his jurisdiction. I await with equal impatience the King's decision as to Lord Baltimore's claim to the Potomac. That part of Virginia is not at present comprehended in the agreement between the King and Lord Culpeper, but Lord Culpeper is still the proprietor, and entitled to fines, forfeitures, and quit-rents.

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Should this property and the river also be excluded from the inhabitants, I greatly fear that they would leave their plantations and withdraw to Maryland, rather than be separated from the King's Government in Virginia. This would be a great diminution of the King's revenue and authority, and I have reason to believe from the circumstances of Colonel Talbot's crime, and Lord Baltimore's claim, that this is the object of those in Maryland. *Signed,* Effingham. *Holograph.* 2 pp. *Endorsed.* Read 31 Jan. 8 $\frac{4}{5}$. [Col. Papers, Vol. LIV., No. 90, and Col. Entry Bk., Vol. LXXXII., pp. 308-311.] *Annexed,*

1963. I. Information of Captain Thomas Allen, R.N. Colonel George Talbot came on board the Quaker about five o'clock on the 31st October, in a small sloop, with himself, five men, and a boy. Finding out that I was aboard he came running down to the cabin. Christopher Rousby, when he saw him, rose from his chair and asked him to sit down, for we were at supper. He declined to join us, saying that it was his fasting-day, but I made him welcome, and when supper was ended he fell to kissing of me. I desired him to forbear for I was no woman, and then he hit me a blow on the heart and a box on the ear. He did this again a quarter of an hour later, and I told him I would stand him no longer; and then he said that he and I could not be friends till we had fought on shore, and I told him I would not refuse him. He then tried to kiss me again, but after a time he asked me to drink Lord Baltimore's health, and I said, with all my heart but Lord Effingham's first, to which he objected, so I said that Lord Effingham's must come first or no healths at all. Then Mr. Rousby came in and sat down on the opposite side of the table to Colonel Talbot, and presently he said he would go, but Talbot said he would sleep on board. Then Talbot went to Rousby and said, "Rousby, you son of a whore, you dog, give me your hand," but Rousby refused unless he gave him better words. And Talbot said again, "Rousby, you dog, give me your hand. Don't you know that I am your Governor and can do you a kindness." Rousby answered, "I don't value anything you can do to me." And with that Talbot started up and pulled Rousby's cravat to pieces. Rousby said nothing, but rose up to go, and Talbot started up and met him, and clapped him on the right shoulder with his left hand, saying, "dear Rousby," with his dagger under his coat in his right hand, and then stabbed him in the right breast. My servant called out, "He has stabbed him," and my doctor, who was standing by, seized Talbot, and the men presently removed Talbot, while the doctor went to look after Rousby. But in half an hour Rousby was dead. I ordered the corporal to put Talbot in irons, but while this was doing Talbot said that

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nothing troubled him so much as that he had not stabbed more, that he hoped to spill and drink a thousand of our bloods &c. At one o'clock on 2nd December Colonel Darnall and Major Sewall came on board and asked for the prisoners in the proprietor's name. I told them they shold have him if they asked in the King's name. They said they could not, and I told them that I would carry him to Virginia. When the king's name came before the Lords Proprietors they asked by what authority I rode there, and I said, "To do my duty to my king," and I sent them ashore in my boat. Three days after the under sheriff came with a hue and c^y to fetch the prisoner, and I showed him to them, but they said nothing, and went away. Dated 20th November 1684.

Deposition of Henry Burden, of H.M.S. Quaker, confirming the conversation with Darnall and Sewall. *The whole 4 pp.* Endorsed.

1963. II. The Council of Maryland to Lord Howard of Effingham. You will doubtless have heard of the late horrid murder of Christopher Rousby by Colonel George Talbot, now a prisoner on board the King's ketch in Patuxen River. As soon as we heard of it we issued warrants for the arrest of the murderer, and, being advised that he was a prisoner on board the ketch, went some of us personally on board and demanded that he should be delivered up to justice. Captain Allen peremptorily refused to deliver him, affirming that by his commission and instructions he was upon all occasions to apply to your Excellency for orders. Accordingly he has taken the prisoner away. Having maturely considered the case, we conceive that the crime having been committed within the jurisdiction of this province, no other can take cognizance thereof, and that so great a crime may not pass unpunished we hold ourselves bound to apply to you, on behalf of Lord Baltimore, for the delivery of the prisoner to this Government. And we beg also that you will order all persons on the ketch that can bear witness against the prisoner to come and give their evidence at the trial. Your Excellency's courtesy and neighbourliness will, we doubt not, save us the labour of straining for arguments in support of our request. Signed, Thomas Tailer, Henry Darnall, William Digges, William Burges, Nicho. Sewall. Dated 5th November 1684. Certified copy. 1½ pp. Endorsed. Read 31 Jan. 8⁴₅.
1963. III. Information of Edward Wade, surgeon of the Quaker. Confirming Captain Allen's account of the murder; of Robert Moline, who saw the murder committed; of John Lloyd, steward, as to the abusive language of Talbot after he was put in irons; and of Charles Bignell, corporal, confirming Lloyd. *The whole 1½ pp.* Endorsed.

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1963. iv. Minutes of Council of Virginia, held at Poropotanke, 20th November 1684. Captain Allen brought Talbot before the Board to ask how he should be disposed of. Talbot claimed to be sent back to Maryland for trial, saying that the ship was lying within Lord Baltimore's and outside the Admiral's jurisdiction at the time of the murder, and insisting on 13 Car. II. cap. 9. Resolved to remit the question to the King, and that Talbot be committed to the custody of the sheriff of Gloucester county. $1\frac{1}{2}$ pp. *On the next page,—*

Copy of letter from Lord Howard to the Council of Maryland, dated 22nd November 1684. After due consideration of your letter I cannot comply with your request for the delivery of Talbot to you, the crime having been committed on one bearing the King's commission and on a King's ship, pending the decision of the King. I commend to you the necessity for appointing a successor to Rousby, and also your duty to assist the captain of Her Majesty's ship in the discharge of his functions in enforcing the Acts of Trade and Navigation. *The whole 3 pp. Certified copies. Endorsed. Recd. 31 Jan. 8 $\frac{1}{2}$.*

1963. v. Copies of the depositions given in Nos. I. and III.
 1963. vi. Copy of a letter from Captain Allen to Mr. Pepys. Reporting the murder of Christopher Rousby, adding,— I believe the dagger was prepared for me, because I told the master that I meant going for Maryland, and that if they did not go first to the King's Collector and show their coquets I would seize them when I came up. 1 p. *Endorsed. [Col. Papers, Vol. LIV., No. 90 i-vi.]*

Nov. 26.
Jamaica.

1964. Colonel Hender Molesworth to the Governor of Petit Guavos. Since my assumption of the Government there has sailed from th's port Captain John Thorpe of the sloop James, with Mr. James Wale, owner of the sloop. It appears by several depositions that she was seized by Captain Yankey, a privateer belonging to your port, under French colours, who, having plundered the ship and kept the men prisoners for six weeks, at length carried them to Petit Guavos, where without proof of any kind the Intendant and Council condemned sloop and goods as lawful prize. I am surprised at this act of hostility, considering the friendly relations between the two crowns. The pretence by which it is sought to justify it is very frivolous, and I send Captain Mitchell to protest against the proceeding, to ask that Yankey may be compelled to make restitution and satisfaction. I hear that you so far disowned the proceedings of the Council as to refuse to accept the share due to you as Governor, so that you cannot but be sensible of the justice of my complaint. I hope therefore that you will give me satisfaction, as I should give it to you in the like case. A privateer, Captain Brahan, belonging to your port, has lately robbed several of our turting sloops to the value of

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500*l.* I trust that you will grant us satisfaction, or give us leave to take it. I enclose copy of the Treaty of Ratisbon, concluded between France and Spain, 19th August 1684. I beg that you will cause all Englishmen on the privateer ships in your harbour to be delivered to Captain Mitchell. *Copy. 3 pp. Endorsed.* Recd. 31 March. Read 4 April 1685. [Col. Papers, Vol. LIV., No. 91.]

Nov. 27.

1965. Minutes of Council of Jamaica. The Lieutenant-Governor acquainted the Council of several complaints of the disturbances of traders and fishermen at the South Cays by Spanish periagos and French privateer-ships, that Captain Stanley in the galley and two sloops were appointed to put down these pirates, but that they desired an embargo on other shipping, that they might have the monopoly of the coastal trade for these pains. Order for an embargo accordingly on certain conditions, and for a contribution from the Treasury for fitting out and victualling the ships. The Lieutenant-Governor reported that he had ordered the frigate to sail to Petit Guavos to demand satisfaction for the capture of Mr. Wale's sloop James, by the privateer Yankey. Mayor Beckford presented a report on the guns of the forts, which require to be changed for others more efficient. Resolved to recommend the suggestions at home. Order for payment of salaries to gunners and others. Adjourned *sine die.* [Col. Entry Bk., Vol. XXXVI, pp. 56-59.]

Nov. 27.

1966. Extract from Minutes of the Council of Jamaica, giving the establishment for the forts of the Island. Total, 1 Captain, 1 Lieutenant, 1 Captain's servant, 7 gunners. Total pay *per annum*, 405*l.* 1*s.* 6*d.* 1*p.* *Endorsed.* [Col. Papers, Vol. LIV., No. 92.]

Nov. 27.

1967. Certificate that judgment was entered for the King in his action against the Governor and Company of the Somers Islands. *Certified by Ro. Wintour.* 1*p.* [Col. Papers, Vol. LIV., No. 93.]

[Nov. 27.]

1968. Copy of the judgment, without the certificate. *Endorsed.* [Col. Papers, Vol. LIV., No. 94.]

Nov. 29.

1969. Memorandum of recommendations concerning the Charter of Bermuda, to be submitted to the King at the meeting of the Committee. *Rough draft.* $\frac{1}{2}$ *p.* *Endorsed.* [Col. Papers, Vol. LIV., No. 95.]

Nov. 29.

1970. Journal of Lords of Trade and Plantations. Report of the Lords of the Treasury that the prosecution of Mr. Martin's patent in Jamaica should be encouraged. The question to be referred to the Attorney-General, who opined that a *scire facias* against a patent granted in England only lies in the Courts in England and not in Jamaica. Report of the Commissioners of the Treasury that any forfeitures of fifty pounds and over should

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be at once reported to them. Approved and ordered accordingly. Draft letter to Colonel Molesworth (*see No. 1974*).

Order for a copy of the judgment against the Bermuda Company to be despatched to the Governor, and a writ of seizure with it.

Governor Cranfield's letters of 14th May and 25th August read. The Lords bearing in mind the despatch of Colonel Kirk ordered a clause in his commission revoking that of Governor Cranfield.

Acts of Antigua. Four private Acts approved, but Sir William Stapleton to be directed to pass no more. Two Acts approved. Acts of the General Assembly of the Leeward Islands. Act as to building of forts referred to the Lords of the Treasury; Act as to ascertaining of lands postponed till Sir William Stapleton's arrival; seven other Acts approved. The Recorder ordered to attend touching the business of transporting malefactors.

The Chancellor of the Exchequer recommended Mr. Rich for the Council of Barbados on occurrence of a vacancy. Agreed to recommend him. [*Col. Entry Bk., Vol. CVIII., pp. 45-50.*]

Nov. 29. **1971.** Certificate of Richard Chamberlain, that in February New Hampshire. 1683 Edward Randolph brought an information against Joseph Dow and others for riotous meeting. The others on their submission were discharged, but Dow, who persisted in his contemptuous carriage, and refused to take the oath of allegiance was bound over to take his trial at the next Quarter Sessions, though not committed to prison. He has since left the province. *Certified copy.* $\frac{1}{2}$ p. *Endorsed.* [*Col. Papers, Vol. LIV., No. 96.*]

Nov. 29. **1972.** Form of a writ of seizure, following on the judgment for the King against the Bermuda Company. *Draft.* $\frac{1}{2}$ p. *Latin.* *Endorsed.* From Mr. Burghill, 29 Nov. '84. [*Col. Papers, Vol. LIV., No. 97.*]

Nov. 29. **1973.** Memorandum of Lord Godolphin's proposal as to forfeitures in Jamaica, and of its acceptance by the Committee [*Col. Entry Bk., Vol. XXX., p. 297.*]

Nov. 30. **1974.** The King to Colonel Hender Molesworth. We approve of your proceedings since your assumption of the Government, and would have you follow Sir T. Lynch's methods and example. We now require you, for the encouragement of the negro trade, to take care that all Spanish ships or persons that come to Jamaica be civilly treated, provided they do nothing contrary to the Acts of Navigation. They may have free admission with either money of goods, and no duties shall be exacted for the blacks other than those appointed by law. *Countersigned,* Sunderland. [*Col. Entry Bk., Vol. XXX., pp. 278, 279.*]

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[Nov.]

1975. Abstract of the petition and papers of the Proprietors of the Bahamas (*see ante*, Nos. 1924 I., 1944), with a list of several further depositions. 8 pp. *Endorsed.* [Col. Papers, Vol. LIV., No. 98.]

Dec. 1.

1976. William Blathwayt to Roger Elletson. The King is informed that you can give valuable evidence as to goods belonging to pirates that have been embezzled in Jamaica. I send you copies of letters relating to the subject, and apprise you that as your services will be very grateful your reward will not be wanting. *On the next page*, A similar letter in slightly different language to Mr. White. *Drafts in the handwriting of William Blathwayt.* *Endorsed.* In all 2 pp. [Col. Papers, Vol. LIV., No. 99.]

Dec. 1.

New Hampshire. **1977.** Deposition of Walter Barefoot. As to Governor Cranfield's willingness to give Waldern every facility for examining witnesses, and Waldern's acknowledgment of the same. Sworn before Richard Chamberlain. 1 p. *Endorsed.* [Col. Papers, Vol. LIV., No. 100.]

Dec. 3.

Whitehall. **1978.** Order of the King in Council. Referring the consideration of the payment of the public debts in Bermuda to Lords of Trade and Plantations. [Col. Entry Bk., Vol. XVII., p. 109.]

Dec. 4.

1979. Sir John Werden to Governor Dongan. The repairs of the forts at New York and Albany are left wholly to your prudence. Be a good husband to the Duke. So also in the matter of saw-mills, consider only the Colony's good and the Duke's profit. We think your proposal for the Duke to get the French not to trade with the Indians towards the side of New York impracticable. The French will never forbid their people a beneficial trade. Use your prudence, without shocking the Governor of Canada, to discourage the trade of the French with the Indians by attracting the Indians to trade with us. Your prudence and the advice of experienced men will be your best guides as to the building of strong places for the trade on the lakes and rivers. And let this be your rule at Pemaquid and everywhere; avoid anything that may involve us in disputes with the French. *Printed in New York Documents*, Vol. III., p. 353. [Col. Entry Bk., Vol. LXX., p. 353.]

[Dec. 4.]

1980. Address from the Sagamores of Kennebec, and Andros Coggan rivers, to "the great and glorious monarch, the King of England, Scotland, France and Ireland, and of the Northern Continent and Islands and other great dominions in America (*see* No. 1863). *Signed with the marks of* Freonongasett (an arrow fixed to a bow), Nimbannett (a commoner mark), Wihikermett (an unusual mark), Wedon Dernbegon (an ordinary cross), Warumbee (a mark like an S), Darumkin (an ordinary cross). *Broad sheet.* *Endorsed.* Recd. 4 Dec. '84. [Col. Papers., Vol. LIV., No. 101.]

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[Dec. 4.]

1981. Copies of the proceedings of the Council of New Hampshire in respect of Edward Randolph and Walter Barefoot, and their efforts to enforce the Acts of Trade and Navigation, on 17th March 1680, 3rd March 1681, 7th March 1682. Also a sworn statement by Thomas Thurton as to abusive language used towards him by Richard Waldern and William Vaughan when he produced his commission from Randolph as King's Custom-house officer. 4th May 1684. *Certified copy.* $2\frac{1}{2}$ pp. *Endorsed.* Recd. from Mr. Mason, 4 Dec. '84. [Col. Papers, Vol. LIV., No. 102.]

[Dec. 4.]

1982. A collection of documents relating to the trials of Governor Cranfield and Robert Mason against Richard Martyn.

1982. i. Warrant to attach the goods of Richard Martyn to answer for 80*l.* due to Mason for fines and forfeitures and received by Martyn as Treasurer. 21st Jan. 1684. *Certified copy.* Attested by Richard Chamberlain. 1 p.

1982. ii. Duplicate of the foregoing.

1982. iii. Record of the Court of Common Pleas, Great Island, 5th February 1684. Mason against Martyn. Verdict for plaintiff, 59*l.* 14*s.* and 4*l.* 8*s.* 4*d.* costs. *Certified copy.* $\frac{1}{2}$ p.

1982. iv. Record of the Court of Common Pleas of same date. Edward Cranfield against Richard Martyn for unlawfully detaining 15*l.* due for fines and forfeitures. Verdict for the Plaintiff with costs. *Certified copy.* $\frac{1}{2}$ p.

1982. v. Order to Daniel Mathews, sheriff, to levy on the money of Richard Martyn for the sum due to Governor Cranfield. 22nd April 1684. *Certified copy.* 1 p.

1982. vi. Petition of Richard Martyn that Richard Waldern and others may contribute to pay the sum recovered of him. $1\frac{1}{2}$ pp. *Undated.*

1982. vii. Record of the Court of Chancery, that the petition of Richard Martyn for a contribution of what was lately recovered from him by Governor Cranfield be deferred till more members of Council can be present. 19th May 1684. *Certified copy.* $\frac{1}{2}$ p.

1982. viii. Summons to Richard Waldern, William Vaughan, John Gillman, Elias Stileman, and others to show cause why they shall not be equally charged with Martyn for fines and forfeitures. 19th May 1684. *Certified copy.* 1 p.

1982. ix. Order of the Court of Chancery that Richard Waldern, Vaughan, Gillman, Stileman, and Christopher Hussey shall be charged with this proportion of 79*l.* 12*s.* 8*d.* recovered against Richard Martyn. *Signed,* Robert Mason, Walter Barefoot. $1\frac{1}{2}$ pp.

1982. x. A transcription of Nos. I., III., VI., IX. [Col. Papers., Vol. LIV., Nos. 103 i.-x.]

Dec. 5.

1983. Robert Mason to Lords of Trade and Plantations. I enclose affidavits in support of my letter of 20th October

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(see No. 1898). I have required some copies of the registers from the Trustees of the several towns, but have been refused; and I am told that they have been sent to Boston to prevent them from being produced. I am therefore unable to throw light on many things which you ought to be acquainted with. Encloses copy of his letter of 20th October. *Endorsed.* Recd. 31 Jan. Read 17 March 1684: [Col. Entry Bk., Vol. LXVII., p. 136, and Col. Papers, Vol. LIV, No. 52.]

[Dec. 5.] 1984. A collection of papers respecting the proceedings of Robert Mason in New Hampshire.

1984. i. Depositions of Nathaniel Boulter and others that they sat on the jury in several actions of Robert Mason against the inhabitants for title of lands and gave their verdict for him. The defendants made out no title, but Mr. Mason showed great forbearance and dispossessed not one of them, but offered to grant them deeds and warrant a title if they paid a quit-rent. His kindness and clemency have emboldened many to oppose him. Sworn before Richard Chamberlain. 6th November 1684. $\frac{1}{2}$ p. *Endorsed.* Recd. 31 Jan. 8 $\frac{4}{5}$.

1984. ii. Deposition of Henry Greene. As to the violent words spoken by Richard Waldern in court when sued by Robert Mason, for which he was afterwards fined 5*l.* Waldern could show no title. Weare and others appealed to the King in Council against Mason but lodged no security. Sworn as the foregoing. *Same date and endorsement.* 1 p.

1984. iii. Deposition of Walter Barefoot to the same effect as the preceding. In all the trials not a man has produced deed, record, or evidence to show a title. 1 p. Sworn as foregoing. *Same date and endorsement.*

1984. iv. Deposition of Thomas Thurton. That Mr. Mason gave orders to the sheriff's officers not to levy on the body but on the goods of people in execution of his suit, and not to distrain on the goods if the people would give bond to pay in money or deal boards within three or four months. Sworn as foregoing. *Same date and endorsement.*

1984. v. Order of the Governor of 10th November 1684 to suspend all executions on Mr. Mason's account and his own pending the signification of the King's pleasure. *Certified copy.* 1 p.

1984. vi. Deposition of Joseph Rayn. Confirming the account of Mason's leniency towards those against whom he levied executions. Sworn before Richard Chamberlain, 18th November 1684. *Endorsed as No. 1.* 1 p.

1984. vii. Deposition of the same. That Governor Cranfield gave him no orders as to the serving of executions in his affairs or Mr. Mason's, nor orders to exact fees. Sworn as the foregoing. 24th November 1684. $\frac{1}{2}$ p.

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1984. viii. Deposition of James Sherlock. In confirmation of the preceding. 1st December 1684. $\frac{1}{2}$ p.
 1984. ix. Deposition of Daniel Mathews. To the same effect. *Same date.*
 1984. x. Deposition of Thomas Thurton. To the same effect. *Same date.* [Col. Papers, Vol. LIV., Nos. 104 i.-x.]

[Dec. 5.]

1985. Petition of William Vaughan and others of New Hampshire to the King. We employ vessels to fish on the coasts, and since the cession of Nova Scotia, now called Acadie, to the French, we have been permitted and licensed to fish on the coasts thereof on an annual payment to the French King's Governors of 5*l.* a vessel. Mons. La Vallière, the present Governor, empowered John Nelson, of Boston to issue such licences for this payment, and we hold them; but notwithstanding this, one Bergier, who pretends himself to be Governor of a small fort in Nova Scotia, did last July seize seven ketches and a sloop belonging to us, as appears by affidavits annexed. 1 p. *Undated. Annexed.*

1985. i. Deposition of Joshua Jackson, and others, as to the seizure of the ketch Swallow at Cape Sable, while fishing with the French King's permission, and after licence paid for to Governor La Vallière. They were carried to Cole's harbour, and kept prisoners for nine days, and then the master and another were sent with the ketch prisoners to France (see No. 1863). *Sworn before Robert Mason, Dec. 5, 1684.* $\frac{1}{2}$ p.
 1985. ii. Similar deposition of Richard Williams as to the seizure of the ketch Industry.
 1985. iii. Similar deposition of Peter Abbot as to the seizure of the ketch Edward.
 1985. iv. Similar deposition of John Devenson as to the seizure of the sloop Amity. [Col. Papers, Vol. LIV., Nos. 105, 105 i.-iv.]

[Dec. 5.]

1986. Report of the Commissioners appointed to inquire into the various claims to the Narragansett country. We appointed the 22nd August as the day, and the house of Mr. Richard Smith in the Narragansett country as the place for receiving evidence. Captain John Alleyne and Mr. John Wadsworth, magistrates, appeared for Connecticut; Thomas Hinkley, Governor, represented New Plymouth in person. Messrs. Waite Winthrop, Simon Lynde, John Saffin, Elisha Hutchinson, Richard Wharton, and Joshua Lamb appeared for themselves and for the rest that claim as representatives of John Winthrop, and also Major Humphrey Atherton and partners. All gladly expressed satisfaction with your Royal Commission except the Governor of Rhode Island, which Colony, instead of assisting us, called its Assembly together to a house about a mile from the place of our sessions, and sent us a message interdicting our proceedings. This not availing they sent their Serjeant-General in a riotous manner, with a great

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number of horsemen, who, in a loud voice, prohibited us from holding court in any part of their jurisdiction, and ordered all persons to depart and not abet us. Nevertheless, we continued to make examination of the oldest English and Indian inhabitants for two days, and received all claims. But as no plea was presented on your Majesty's behalf, we adjourned to Boston, to meet there on 3rd September, and constitute a Committee to carry a letter to Rhode Island demanding in your Majesty's name, and for your behoof, that we might examine persons and search records; and, in particular, we summoned Randall Holden and John Green, which were duly delivered to them and to Governor Coddington. With what contempt for your Majesty's Commission they received it will be related in a separate narrative by Mr. William Wharton. On the 3rd September we re-opened Court, but no one from Rhode Island appeared, so Mr. Richard Wharton and partners exhibited a printed book containing a deed of 19th April 1664, being the subjection of the Sachems, Pessicus, and Connonicus to your royal father. Beyond a short memorial thereon in the same book, Mr. Richard Wharton could offer no other evidence on your behalf, nor has any been offered by any other hand. But by this, and by other documents, we find that the purchases, possessions, and improvements made by your subjects were absolutely vested in your Majesty. *Here follows an account of the various patents granted for their territory.* Our opinion is, that by the patent granted to Connecticut, the jurisdiction of the Narragansett country belongs to Connecticut, and that property of soil as derived from John Winthrop and Major Atherton is vested in the heirs and assigns of the said Winthrop, the heirs of Thomas Chiffinch, Major Atherton, Richard Smith, Elisha Hutchinson, John Saffin, Richard Wharton and partners, no considerable opposition being offered by anyone to their claim and title, and the same being granted by the agents of Connecticut. Notwithstanding, we do not conceive that their purchases do anyways entitle them to any part of the Pequot country, lying between Wecapang and Pauquahuck River, nor that the former lawful purchases and possessions of the inhabitants of Providence and Warwick ought to be prejudiced thereby. Finally we would add that so long as the pretensions of the Rhode Islanders to the government of this province continue, it will much discourage the settlement and improvement thereof, for it is very improbable that the aforesigned claimants or others of like reputation and condition will move their families or expend their estates under so loose and weak a government. *Signed,* Edw. Cranfield, William Stoughton, Samuel Shrimpton, John Pyncheon, junr., Nath. Saltonstall. *Postscript.*—Since the close of your Commission Mr. Edward Randolph has arrived, claiming the Narragansett country on behalf of the Duke of Hamilton. We summoned as many proprietors as we could in the time, and find that Mr. Randolph's pleas include part of the country. We enclose the defence of the proprietors against the same for the King's decision, and have sent copies to Connecticut. *Signed,* Edw. Cranfield, William Stoughton, Joseph Dudley. *The whole 9½ closely written*

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pages. Endorsed. Recd. 5 Dec. 1684. Read 23rd. [Col. Papers, Vol. LIV., No. 106, and Col. Entry Bk., Vol. LXI., pp. 228-238.]

Dec. 5.

1987. Warrant of the Duke of York for the payment of 232*l.* to Lieutenant Baxter, being twenty-two months' pay. [Col. Entry Bk., Vol. LXX., p. 51A.]

Dec. 6.

1988. Journal of Lords of Trade and Plantations. Petition of the Proprietors of the Bahamas read (*see No. 1924 1.*), and the Proprietors heard. Agreed to report that they prove their losses in the Court of Admiralty and that reparation be demanded.

Petition of the General Assembly of Bermuda read (*see No. 1937.*) Order for a copy to be delivered to Lord Nottingham, who answered that he was not concerned therein.

Laws of Antigua. Seven Acts approved. Act of Extent read, and copy ordered to be sent to the merchants for their opinion. [Col. Entry Bk., Vol. CVIII., pp. 51-53.]

[Dec. 6.]

1989. Deposition of Matthew Cadwell, merchant, of London. Estimating his losses in ships and cargoes, through the capture of New Providence, at over 5,000*l.* 1 p. *Endorsed.* Recd., 6 Dec. '84. [Col. Papers, Vol. LIV., No. 107.]

[Dec. 6.]

1990. The case of Abraham Gill, merchant. A statement, at immense length, of Gill's grievances against Sir Thomas Lynch, in respect of the ship St. Thomas (*see ante, No. 1759.*), and of various charges of extortion, &c., against him. *Four large and very closely written pages. Inscribed.* Read 6 Dec. 1684. [Col. Papers, Vol. LIV., No. 108.]

Dec. ^{6.}
Petit Gouave.

1991. The Governor of Petit Guavos to Captain Mitchell, R.N. You complain that we receive pirates in our harbours. I assure you that if you point out any of those evil people we shall not fail to make them pay the extreme penalty. You speak to us of Captain Yankey whom you treat as a pirate. I assure you that we know him to be incapable of such a thing. It is true that some time ago he carried off an English ship laden with Spanish merchandize, but on coming into port he at once made a declaration thereof to the Chevalier de St. Laurens, and to our Governor, who at once ordered the ship round to the little river Leogane on this coast, where the Council adjudged her to be lawful prize. With regard to your complaints against Captain Breha, it is true that with a ship full of people he met the frigate commanded by Captain Stanley, and asked him for provisions, of which he was in much need, and which Captain Stanley was so good as to give him. As to the restitution which you request, I doubt if it can be made, and I do not see that I can compel it to be made after the warrant given by the Council that condemned it. I cannot give you leave to surprise Yankey and Breha in this harbour, and indeed, if you make any attempt against them I shall do my best to frustrate your designs according to my orders. *Signed, Boisseau. French. 2 pp. Endorsed.* Recd. 28 June '85. [Col. Papers, Vol. LIV., No. 109.]

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Dec. 7.
Petit Gouave.

1992. The Governor of Petit Guavos to Captain Mitchell. I am very sorry that you are dissatisfied with my former letter. I know nothing about what you say of Captain Yankey. If you would take advantage of the presence of the Chevalier de St. Laurens at Cap François and start at once, he will give you all the information that you desire. *Signed*, Boisseau. *French.* $\frac{1}{2}$ p. *Endorsed.* Recd. 28 June 1685. [Col. Papers, Vol. LIV., No. 110.]

Dec. 8.

1993. Abstract of letters written from Boston to Edward Randolph. *From Governor Simon Bradstreet.*—I fear that by this time judgment is passed against our charter; but if the King would be pleased to pardon us and govern us as intimated in his declaration, I doubt not that it would conduce as much to His Majesty's honour and dignity as sending over a Governor, which would be very chargeable, while the people, as you know, are very poor, except in Boston, and even there most of them are not so rich as they are thought to be. The late war with the Indians and great fires have much impoverished the country, and the unprofitableness of trade is a great discouragement. I have heard many say that in their irregular trading they have seldom or never seen their own money again, and are resolved wholly to give it over, and I should be heartily glad if they would. I hope that in all the faults that we are or may be charged with, the service we have done in securing, at expense of much blood and treasure, so large a tract of land annexed to the Crown may not be forgotten. It is no small grief to us to hear and see the miserable condition of our neighbours in New Hampshire, once a hopeful and flourishing plantation, but now in a manner undone—no face of trade, nor care for anything else, their own vessels being afraid to come into their own ports, as some of them have declared to myself. But enough of this. I suppose you will hear more from others. This makes our people dread the like condition.

From Joseph Dudley.—Your letter contained nothing as to the *scire facias* but what everybody expected, and if what you say as to general pardon and indulgence for religion and property might be so, the people will hardly, if ever, be persuaded to apply for themselves.

From William Stoughton.—Your letters show you studious of moderation, and, in particular respecting liberty of conscience. I do not think that there will be any such opposition as in the least to need force. Our General Court meets this week. What they intend I know not, having been wholly a stranger to public business since the last election. The time for doing good seems to have been quite lost. They had it in their hands but would not improve it.

From Richard Wharton.—A great part of your news had been misrepresented. The people are now undeceived, and see that the King is in earnest. The rumour that regiments are coming with the new Governor caused the Governor to summon the General Court to devise some expedient for prevention, and to lay the ship

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that bears this under embargo. Their packet which she carries to Humphreys is lined with a very thin address, but sufficient to show the humours of the corporation and the necessity for regulations. The Court sat from Wednesday to Saturday, and then committed the result to the Secretary as a great secret. Stoughton, Dudley, Bulkeley, and all that seem sensible of their duty were kept ignorant of the import. The style is well known to these gentlemen and many more, who would more dutifully assure the King of our loyalty, submit to his declaration and pray for pardon, religious liberty and confirmation of property. But though we cannot send such an address, I know your good disposition will represent us in this light to the King. The Narragansett proprietors aver their humble submission to a quit-rent from the Crown; Rhode Island continues its oppression and insolence, and has bound Dick Smith to answer an indictment on a ridiculous penal law of their own for suing one of its inhabitants for lands at Plymouth. They design upon his estate and liberty. *Copies. The whole.* 2½ pp. *Endorsed.* Jan. 26 and Feb. 2, 1684. [Col. Papers, Vol. LIV., No. 111.]

Dec. 9.

1994. Journal of Lords of Trade and Plantations. Acts of Virginia of 16th April 1684 considered. The Act for altering the time of holding Courts to be amended, eight others approved. The Address of 22nd May from the Burgesses read, when the Lords, after reading the Journals of Assembly of November 1682, judged it unfit to be laid before the King, and approved Lord Howard's action in refusing to transmit it.

Memorandum of documents sent. [Col. Entry Bk., Vol. CVIII., pp. 54-56.]

Dec. 9.

1995. Minutes of Council of Barbados. Bill for Public Accounts sent to the Assembly; Bill for securing possession of negroes to await the collection of the laws, and the old law to be meanwhile renewed for six months. Order for payment of 20*l.* 17*s.* 6*d.* to Sir Timothy Thornhill in compensation for a negro executed for running away. Captain William Walley, Solicitor, exhibited articles of a high nature against Richard Seawell; the Governor, after hearing one witness, ordered him to enter into recognisances to take his trial at the next Grand Sessions.

Dec. 10.

The Governor gave his assent to four Acts. [Col. Entry Bk., Vol. XI., pp. 567-570.]

Dec. 9.

1996. Journal of Assembly of Barbados. Bill for settling public accounts, Bill for securing possession of negroes, and Bill for speedier remedy in distresses read.

Dec. 10.

Lease of Fontabelle House ordered to be for six years. Act to punish pirates, and to continue the old Militia Act, passed.

Adjourned to 20th January. [Col. Entry Bk., Vol. XIV., pp. 14-15.]

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- Dec. 1. **1997.** Order of the King in Council. Referring the petition of Audrey Beale to Lords of Trade and Plantations for report. *Signed, Francis Gwyn. 1 p. Annexed,*

1997. i. The petition referred to. My brother William Godwin, aged sixteen, went with Captain Joseph Eaton two years and a half ago, on a voyage to Maryland, to learn navigation, and if he liked the voyage to become Eaton's apprentice. On arriving at Maryland he was sold by Eaton to one Thomas Gerard as a slave. I beg that Eaton's behaviour may be examined, and my brother restored. *Copy, certified by Francis Gwyn. 1 $\frac{1}{4}$ pp. The whole endorsed, Read 31 Dec. '84. [Col. Papers, Vol. LIV., No. 112.]*

Dec. 10.
Whitehall.

- 1998.** Order of the King in Council. Referring the petition of Matthew Meverell to Lords of Trade and Plantations for their report. *Signed, Francis Gwyn. $\frac{1}{2}$ p. Annexed,*

1998. i. The petition referred to, from Matthew Meverell to the King and Council. On the 6th May last petitioner seized the ship St. Thomas for trading at Jamaica contrary to the Act of Navigation, but was not only denied process in the Grand Court, but was put in prison by order of the late Sir Thomas Lynch. The ship was sent away by Sir Thomas's order, and the Attorney-General was directed to prosecute petitioner with a scandalous information of being a vagrant, and an idle fellow. After Sir Thomas's death petitioner escaped from Jamaica, but he has suffered much in health. Prays order for prosecution of Sir T. Lynch's executors, having witnesses to prove the value of the ship to be 20,000*l.* to 25,000*l.* *Copy. 1 p. [Col. Papers, Vol. LIV., Nos. 113, 113 i., and (Order only) Col. Entry Bk., Vol. XXX., pp. 345-346.]*

Dec. 10.
Whitehall.

- 1999.** Order of the King in Council. Referring the petition of Abraham Gill, complaining of Sir Thomas Lynch, to Lords of Trade and Plantations for report. *Signed, Francis Gwyn. 1 p. Endorsed, Recd. and read 23 December. Annexed,*

1999. i. The petition referred to, of Abraham Gill to the King and Privy Council. I contracted with one Barrosse and Porcio for 4,800 negroes, and had already brought about 900 to Jamaica as a Spanish ship, but was forced to pay 2,000*l.* to Sir T. Lynch for license to trade with the Spaniards, and another 700*l.* for the convoy of H.M.S. Ruby. I permitted, however, the Spanish Captain to bring some dry goods, though illegally, from Jamaica to Cartagena, and the ship was seized in Jamaica for trading therein. I was present at the seizure and a witness for the Crown, but was imprisoned by Sir T. Lynch, proclaimed a vagrant and idle fellow, and was forced to leave the Island

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privately, giving 1,000*l.* security, to give the King an account of these oppressions which are to the disadvantage of all his subjects, and especially of the Royal African Company. I beg that the proclamation may be nullified, and that I may be permitted to sue the executors of Sir T. Lynch for recovery of the money and for damages. *Two large closely written pages.* [Col. Papers, Vol. LIV., Nos. 114, 114 1, and (Order only) Col. Entry Bk., Vol. XXX., pp. 347-348.]

Dec. 11.

2000. Captain Mitchell, Royal Navy, to Lieutenant Governor Molesworth. I sent my boat ashore with your letter to the Governor of Petit Guavos on the morning of 6th instant. The Governor was away, and the Commander-in-Chief refused to break the seal. I saw in the port the ships commanded by Captain Yankey, Breha, Thomas and Johnson, and remembering my instructions, wrote to the Commander-in-Chief as follows:—

Captain Mitchell to the Governor and Commander-in-Chief of Petit Guavos.—You have at present in your port two pirates, Captain Yankey of the Francis, and Captain Breha, who have robbed or taken several of our sloops. I must request you to order them to restore what they have taken from the subjects of the King, my master; or to give me permission to endeavour to surprise them in this port.

M. Boisseau to Captain Mitchell.—An English version of the letter abstracted above (see No. 1991).

Captain Mitchell to M. Boisseau.—You say that the captured vessel was condemned as lawful prize. I must protest against that condemnation as illegal. The sloop was *bond fide* the property not of Spanish but of English subjects. *Dated, 7 Dec.*

M. Boisseau to Captain Mitchell.—Dated 7th December. The translation of the letter abstracted above (see No. 1992).

I ordered my Lieutenant to demand all the men that were in La Trompeuse, to which M. Boisseau answered that he would send all the Englishmen in the town, and if any belonged to the Trompeuse I might take them. Next day he sent me three English, telling me that the rest were fled into the woods, upon which I at once sailed for Jamaica. *Signed, D. Mitchell. The whole, 3 pp. Endorsed. Recd. 28 June '85.* [Col. Papers, Vol. LIV., No. 115.]

Dec. 12.

2001. Minutes of Council and Assembly of St. Christophers. Order of the Governor, Council and Assembly for one negro out of every five and twenty to be employed in fetching timber for the Sessions House on 2nd January. [Col. Papers, Vol. LV., No. 48.]

Dec. 13.

2002. Sir William Stapleton to Lords of Trade and Plantations. Nevis. The Guernsey, Captain Tennant, has arrived here to be under my orders. As she is already two years out here it will be six months before she can come home. I may therefore make bold to take my passage in her or under her convoy in March. By good luck four

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Indians of Dominica were brought here and identified by the boy saved from Barbuda as the murderers of Captain Malham [? Nathan]. All four were executed as pirates and murderers. *Signed*, Wm. Stapleton. *Holograph*. 1 p. *Endorsed*. Recd. 24 Feb. '8⁴₅. [*Col. Papers, Vol. LIV., No. 116, and Col. Entry Bk., Vol. XLVII., p. 178.*]

- Dec. 13. **2003.** The Governor and Council of Barbados to Lords of Trade and Plantations. Forwarding quarterly accounts of the proceedings of the Council and of imports. *Signed*, Ri. Dutton, Robert Davers, John Peers, Edwyn Stede, Tim. Thornhill, Henry Walrond, Tho. Walrond. 1 p. *Endorsed*. Recd. 31 March 1685. [*Col. Papers, Vol. LIV., No. 117, and Col. Entry Bk., Vol. VII., p. 287.*]
- Dec. 13. **2004.** Minutes of Council of Barbados. Ordered that Sir John Within send the King's Order in Council for the appointment of Sir Timothy Thornhill to the Council, that it may be entered in the Council book. Adjourned to 16th. [*Col. Entry Bk., Vol. XI., p. 571.*]
- Dec. 15. **2005.** William Blathwayt to Robert Banner. Summoning the Treasurer of the Bermuda Company and others concerned to attend the Committee for the enquiry into the public debts of the Islands. [*Col. Entry Bk., Vol. XVII., p. 110.*]
- Dec. 16. **2006.** Minutes of Council of Barbados. The oath was administered to Henry Walrond to act as Chief Judge in the coming Grand Sessions. [*Col. Entry Bk., Vol. XI., p. 572.*]
- Dec. 16. **2007.** Presentment of the Grand Jury at the Sessions held at Barbados the 16th December 1684. Henry Walrond, Chief Judge. We present (1) the non-observance of the Sabbath; (2) the benefit to our youth if means were taken for education; (3) the neglect of masters of public wharves, in not keeping them in proper repair; (4) the great dearth of Christian servants who are enticed away to other places by promises of land; (5) the unpardonable neglect of all the surveyors of the highways; (6) the neglect of the justices in not enforcing the laws against the buyers and sellers of spirits; (7) the nuisance of wandering pedlars and Jews; (8) the violation of the law as to taking up ballast; (9) the crying evil of the delay of justice by the Bridge Court of Common Pleas; (10) the inconvenience through want of a State house, gaol, and house of correction. *Fifteen signatures. Copy. 2 pp. Endorsed. Recd. 13 March 1684/5.* [*Col. Papers, Vol. LIV., No. 118.*]]

- Dec. 16. **2008.** Deposition of Henry Cock, mate of the sloop Betty. Nevis. Three months since I was at Curaçoa, where I found a ship under the command of Manuel Rodriguez, who had captured the sloop Africa. The Captain applied to Governor for the arrest of Rodriguez and his ship, but the Governor refused. We had weighed anchor, when a strange sail came up and laid us on board, as if secure of us as an easy prize. Finding us too strong she

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yielded, and we put all the Spaniards of her crew ashore, except one that we kept to condemn the prize, and whom we knew for a pirate. Sailed on to Santa Cruz when the Captain went ashore, but was detained by the Governor till he should show his commission. The Captain wrote to me to bring it ashore, and I was arrested also and detained two days. The Captain sent orders secretly to the ship to sail to Nevis and acquaint Sir William Stapleton. Depositions of other sailors confirming the above. Sworn before Joseph Martyn. *The whole 2½ pages. Endorsed.* Recd. 23 March '84. [Col. Papers, Vol. LIV., No. 119.]

Dec. 16.

2009. Journal of Lords of Trade and Plantations. Lord Nottingham presents a schedule of the debts due by the Bermuda Company, and a scheme for repaying them. The Lords agree to report that they be referred to the Commissioners of the Treasury.

Draft report on the petition of the Proprietors of the Bahamas read.

The Lords approved Lord Howard's Treaty with the Indians of August 5.

Laws of Massachusetts considered. Fifteen Acts approved as amended. [Col. Entry Bk., Vol. CVIII., pp. 54-59.]

[Dec. 16.]

2010. Schedule of the debts of the Bermuda Company. Total 828*l.* 1 *p.* *Endorsed.* Read 16 Dec. '84. [Col. Papers, Vol. LIV., No. 120.]

Dec. 17.
Whitehall.

2011. Order of the King in Council. That the Lords draw up a short commission appointing [Richard] Cony Governor of Bermuda for the present, till a more ample commission and instructions, with a body of laws, can be prepared; and that the existing taxes be continued for the support of the Government. *Signed,* Francis Gwyn. ½ *p.* *Endorsed.* *The seal gone and top edge much damaged.* [Col. Papers, Vol. LIV., No. 121, and Col. Entry Bk., Vol. XVII., p. 105.]

Dec. 17.
Whitehall.

2012. Order of the King in Council. To enforce the recommendations of the Laws of Trade respecting the inquiry into the debts of the Bermuda Company (*see ante*, No. 1893). [Col. Entry Bk., Vol. XVII., pp. 110-111.]

Dec. 17.

2013. Order of the King in Council. Report of Lords of Trade and Plantations. Having considered the petition of the Proprietors of the Bahamas we recommend that the sufferers by the capture of New Providence prefer their libel in the Court of Admiralty, and that notice may be given to the Spanish ambassador and other Spanish subjects that they may take objection to the evidence if they will; after which reparation may be demanded of the Court of Spain for the damages received. Dated 6th December 1684. Ordered accordingly. [Col. Entry Bk., Vol. XCVII., pp. 138-140.]

Dec. 17.
Whitehall.

2014. The Earl of Sunderland to Lords of Trade and Plantations. The King has appointed Sir Philip Howard to succeed

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Sir Thomas Lynch as Governor of Jamaica. The requisite despatches for him should be prepared. *Signed*, Sunderland. 1 p. *Endorsed*. Recd. 23 Dec. 1684. [Col. Papers, Vol. LIV., No. 122, and Col. Entry Bk., Vol. XXX., p. 300.]

Dec. 19. **2015.** Instructions of Colonel Hender Molesworth to Captain Mitchell, R.N. You will convoy the Spanish ship Santa Rosa bound from Jamaica with negroes. On your return from Portobello you will visit Golden Island off the coast of the Main, through which a passage has lately been found to the South Sea. Four hundred Englishmen are said to have been conveyed that way in small parties by Darien Indians, and it would be well to spread report that they have been cut off, in order to discourage others. *Copy*. 2 pp. *Endorsed*. Recd. 2 April 1684. [Col. Papers, Vol. LIV., No. 123.]

Dec. 20. **2016.** Order for Joseph Eaton and Peter Harris to attend the Whitehall. Lords of Trade and Plantations in respect of the petition of Audrey Beale (*see No. 1997*). 1 p. *Endorsed*. [Col. Papers, Vol. LIV., No. 124.]

Dec. 23. **2017.** Journal of Lords of Trade and Plantations. Laws of Massachusetts considered, amended, and approved. Provision to be made that high treason be adjudged according to the laws of England.

Pursuant to instructions the Lords ordered a draft commission to be prepared for Sir Philip Howard.

Petition of Audrey Beale read (*see No. 1997*). The Lords summoned the necessary persons for examination thereof for the 31st.

Draft commission to Mr. Richard Cony approved.

Petition of Abraham Gill to be heard on the 31st instant. Petition of Meverell read; Sir Philip Howard to report thereon.

Report of the Commissioners appointed to inquire into the claims to the Narragansett country (*see No. 1986*), to the effect that the jurisdiction belongs to Connecticut and the soil to Richard Wharton. The Lords think fit to instruct Colonel Kirk to confirm all titles of land quietly possessed, reserving to the King a quit-rent of two shillings and sixpence per hundred acres, any dispute about title to be decided by the Governor in Council. [Col. Entry Bk., Vol. CVIII., pp. 62-66.]

Dec. 23. **2018.** Memorandum of Lords of Trade and Plantations. That Sir Philip Howard, on his arrival in Jamaica, inquire into the statements of Matthew Meverell and report. [Col. Entry Bk., Vol. XXX., p. 346.]

Dec. 23. **2019.** Draft of a letter to the Keeper of Bridewell to bring Peter Harris, now in his custody, before the Lords of Trade as a witness in the matter of Audrey Beale's petition. *Corrected and endorsed*. 1 p. [Col. Papers, Vol. LIV., No. 125.]

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- Dec. 23. **2020.** Attestations of three witnesses as to the language and action of Henry Bish on the news of the dissolution of the Bermuda Company. 1 p. *Endorsed.* Recd. 17 July '84. [Col. Papers, Vol. LIV. No. 126.]
- Dec. 23. **2021.** Deposition of William Peniston on the same subject. Sworn before John Tucker. *Endorsed as the foregoing.* [Col. Papers, Vol. LIV., No. 127.]
- Dec. 24. **2022.** Commission to Richard Cony as Lieutenant-Governor and Commander-in-Chief of Bermuda. [Col. Entry Bk., Vol. XVII., pp. 105-109.]
- Dec. 26. **2023.** Sir Richard Dutton to Lords of Trade and Plantations. Immediately after my arrival I sent to you as just a state of the Island as I then found it in, which I hoped would be in accordance with my expectations of the gentleman whom I left here as deputy. But to my great trouble I was surprised by complaints of the Council of his great insolence to them and his oppression towards all others wherever his profit or ambition were interested. On their daily complaints I offered some queries to the Council, whose impartiality I could trust, which have doubtless been before you some time; and I hope that I have been approved for suspending Sir John Witham not only from the Council but from all public employment in this Island. Since then the complaints against him have grown so high that I could not in justice to myself and the oppressed people suffer him to run on in his opinion, which he has often impudently declared, that he was not accountable to me for anything that he had done during the period of his government, as he called it. I thought it time to exert my authority speedily, and to let him and all men of whatever quality know, that if they dare to commit any illegal act in my government, I shall not want the resolution to punish them. By the advice of the Council I issued a warrant to the Provost Marshal to take him into custody till he gave security to appear at the next Grand Sessions, to answer such charges as might be preferred against him; which he accordingly did. I then consulted the law-officers as to the most proper method of his prosecution, and delivered them articles which they reduced to three indictments, the first two for high crimes and misdemeanours, and the third for bribery, all of which were most clearly proved. To prove that I had no personal animosity against him, I declined to hold the Sessions in person, but issued a commission that he might have no ground of complaint that I had overawed juries or witnesses. I assure you that no man was ever heard with greater patience nor had greater time and liberty to justify himself (as he freely confessed at the close of the trial). He made all the trifling, evasive, dilatory pleas that he could, and thus took up five full days, which was the limitation of the Commission, before the trial could be ended and judgment passed against him. I was therefore obliged (as there were several indictments in the Grand Jury's

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hands) to issue a new Commission immediately after the trial and before the adjournment of the Court, and continue the Commission till the latter end of January. The Court will sit again on the 14th January, when there are seven pirates to be tried, five of whom were sent in chains from Carolina. I have transmitted true copies of the indictments, verdicts and judgments passed on Sir John Witham, so I need not heap a greater weight of crimes on him, though I could add many more.

I cannot but remind you of the constant prejudice to the King's service from want of members of Council to make up a quorum. Had not Colonel Stede at terrible hazard to his life left his sick-bed to go to Court I should hardly have been able to continue the Sessions. I have now to beg that out of the fine of 5,000*l.* levied on Sir John Witham, the King will grant enough to this Island to buy forty iron whole culverins, with carriages, for the forts which I have lately built. This is the only charge to which this country ever put His Majesty in this kind. Sir John Witham says confidently that though he be fined many thousands here yet one thousand in England will not only clear him of the other ten but also of his imprisonment. For all his confidence I shall this week estreat the fine of 5,000*l.*, and use all endeavours to find effects to levy it on. I have sent an exemplification of the estreatment to the Lords of the Treasury, with the names of his correspondents in London, for he will remove the money from their hands unless care be taken to prevent him. I have made a discovery of several outstanding debts due to James Holloway, who was lately executed for treason. They amount to four or five hundred pounds, and I have asked for the directions of the Treasury thereon. I shall not trouble you with repetition of the constant business entailed by the maladministration of this high criminal, Witham. I ask not for reward, but only that I may not be discouraged. I have no salary nor perquisites paid to me, and have to borrow money at interest to support myself and family. Everything is dear, and nothing to be had but for ready money.
Signed, Ri. Dutton. 2½ pp., closely written. Endorsed. Recd. 13 March. Read 17th. [Col. Papers, Vol. LIV., No. 128, and Col. Entry Bk., Vol. VII., pp. 266-270.] Annexed,

2023. i. Copy of the indictments against Sir John Witham.

First indictment.—1. For not taking the oaths for due administration of the Government. 2. For eluding the Statute of Navigation by not taking the oath. 3. For imposing unusual oaths on the Council. 4. For denying the Council freedom of debate in Chancery. 5. For rasing and altering the records of the Chancery Court out of Court. *Verdict.*—Guilty. *Sentence.*—Fine of 3,000*l.*

Second indictment.—1. For taking the title of Lieutenant-Governor without any commission. 2. For appointing a special Court of Sessions by an unwarrantable commission in a matter in which he himself was concerned. 3. For appearing in the Court of Common Pleas in his own cause and overawing counsel and the jury. 4. For false

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imprisonment of one Richard Lintott, and (5) of Richard Alford. 6. For illegally ordering a forcible entry. *Verdict*.—Guilty. *Sentence*.—Fine of 3,000*l.* *Third indictment*.—For bribery. *Verdict*.—Guilty. *Sentence*.—Imprisonment during the King's pleasure and fine of 5,000*l.* 3 pp. *Endorsed*. Recd. 12 March 1684/5. [Col. Papers, Vol. LIV., No. 128 i.]

Dec. 26.
Barbados.

2024. Sir Richard Dutton to the Lord [Privy Seal?]. A repetition of the offences of John Witham, little different from that in letter of same date (*see preceding abstract*). I have received a *mandamus* requiring a true state of the case of James Baxter, a prisoner here for homicide. I enclose the state and await orders. *Signed*, Ri. Dutton. *Holograph*. 2 pp. *Annexed*,

2024. i. Sir Richard Dutton to the King. Reciting the case of James Baxter, and recommending him as a fit object of the royal mercy. *Signed*, Ri. Dutton. 1 p. *Endorsed*. [Col. Papers, Vol. LIV., No. 129, 129 i.]

Dec. 30.

2025. Colonel Hender Molesworth to [William Blathwayt?] The galley and four sloops are now ready to sail. All have been built at the charge of several undertakers, 200*l.* only having been advanced by the Treasury. Their business is to clear the South Cays of Cuba of pirates, and re-open the fishing trade, and, in return, they are to have the sole liberty of trade in these parts during the two months of the embargo. The galleons are now in the Indies, and the capture of the ship of thirty-six guns, bound for Cuba with piece-goods, by the French, has greatly encouraged our undertakers. A considerable sale of English manufactures must certainly follow. The Spaniard who has been here so long has at length made up 302 negroes, and sent them off to Portobello under convoy of Captain Mitchell. The frigate takes this convoy on his way to Sambalos, a cluster of islands between Portobello and Carthagena, among which is that called Golden Island. It is there that the Darien Indians receive our people and guide them by an easy passage to the South Sea. At least four hundred have gone from here in the last three or four months, and I fear are irrecoverably lost, for the Dariens have lately made a firm peace with the Spaniard, and there is now a frank trade between them. This of the Golden Island must be some treasonable practice against our people. *Extract*. Read at the Committee, 4th April 1685. 2 pp. [Col. Entry Bk., Vol. XXXI., pp. 15, 17.]

Dec. 31.

2026. Journal of Lords of Trade and Plantations. Petition of Abraham Gill heard, and several members of the African Company heard thereon. Ordered, that Sir Philip Howard report thereon. Colonel Molesworth to be instructed to encourage the Spanish negro trade at Jamaica, and Lord Lansdowne, who is going envoy extraordinary to the Court of Spain, to say that Spanish traders in this line will be civilly used. Draft of Sir Philip Howard's instructions. The Duke of York requested to take the opinion of

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his law officers respecting the powers to be given to Governors for exercising martial law at sea.

Petition of Audrey Beale read (*see No. 1997*). The Lords agreed in their report (*see No. 2038*).

Draft Commission to Colonel Kirk read. The Lords opine that it be directed that no money be issued but by warrant under his hand and with advice of the Council. The law officers to be desired to attend the discussion of the clauses for making of laws. A clause empowering the Governor to raise taxes with the consent of the Council approved. The King to be asked as to the Governor's salary, and whether it shall be payable until he has reported what the Colony can bear. [*Col. Entry Bk., Vol. CVIII.*, pp. 59-62.]

[Dec. 31.]

2027. Petition of Abraham Gill to the Lords of Trade and Plantations. Praying for the King's orders to Sir Philip Howard, to permit him to prosecute Colonel Hender Molesworth for his share in the transactions of Sir Thomas Lynch in the matter of the ship St. Thomas. 1 p. *Inscribed.* Recd. 31st December 1684. [*Col. Papers, Vol. LIV.*, No. 130.]

Dec. 31.
Council
Chamber.

2028. Report of Lords of Trade and Plantations to the King. On the petition of Audrey Beale (*see No. 1997*). Captain Eaton offers to bring back Goodwin if your Majesty order his expenses to be paid by his relations. We recommend therefore that Eaton give £100 for Goodwin's return if he be alive, on Mrs. Beale's depositing £20 for the expenses; and that Lord Baltimore be instructed to see that Goodwin is delivered to Eaton. 2½ pp. *Endorsed.* [*Col. Papers, Vol. LIV.*, No. 131.]

[Dec. 31.
Barbados.]

2029. The Secretary of Barbados to Lords of Trade and Plantations. Forwarding quarterly returns of the transactions of the Council and the Secretary's office. *Signed,* Edwyn Stede. 1 p. *Endorsed.* Recd. 12 March 1684. [*Col. Papers, Vol. LIV.*, No. 132, and *Col. Entry Bk., Vol. VII.*, p. 263.]

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2030. Petition of George Reid, planter, of Jamaica, to the King. Petitioner executed several contracts in delivering negroes for the Royal African Company in Barbados, and was later employed as their factor, till he was dismissed by Sir Thomas Modyford in favour of Colonel Hender Molesworth. Begs reinstatement. 1 p. *Undated.* [*Col. Papers, Vol. LIV.*, No. 133.]

Duplicate of the foregoing. [*Col. Papers, Vol. LIV.*, No. 134].

[Dec.]

2031. "Extract of a letter to Sir Benjamin Bathurst concerning Gill. A few lines giving an unfavourable account of Abraham Gill, as a hypocrite and mischief maker." *Spanish.* (*See ante,* No. 1759.) [*Col. Papers, Vol. LIV.*, No. 135.]

[Dec. ?]

2032. Sir Philip Howard's proposals to the Duke of York. That the Duke give him a Commission as Vice-Admiral wherein the powers of commanding ships and seamen be further specified and explained. That according to constant practice the Governor

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may have power to constitute captains and other officers at sea, and that such captains be reputed the King's captains, and their ships the King's ships. That the Governor of Jamaica may continue to have power to try neglect of duty and disobedience at sea by a court-martial; this will greatly facilitate the suppression of pirates. That the words of the late order requiring a Governor not to try an officer for misconduct on the spot but to send home depositions for his trial in England be amended. A captain of a frigate, by refusing to obey the Governor's orders on most important service, may become highly criminal, yet the Governor cannot even suspend him, but the officer remains in command till orders come from home, which takes from six to twelve months. This should be altered, and the Governor should have power to give orders, on his own responsibility, and to suspend officers. *Draft.* 2 pp. Undated. [Col. Papers, Vol. LIV., No. 136.]

[Dec. ?]

2033. Mr. Wharton's proposals for the regulation of New England. The King to grant a general pardon to all who submit, and religious indulgence. The privileges and revenues of Cambridge College to be continued, and all property confirmed. Laws repugnant to the laws of England to be repealed, the rest to remain in force. The General Governor and Council, or Chancellor and Council to be the supreme judicature, and be an appeal court from inferior courts; appeal from thence to be to the Privy Council. The General Assembly to meet annually or as often as necessary. All that are qualified according to the law of England to be declared freemen. The incorporation of Boston on dutiful application to the King. The Militia to be under the Governor. The annual training to be for two days. Prizes to be given for shooting, each county to offer three prizes of 5*l.*, 3*l.*, and 2*l.*, and only regimental prize-winners to shoot for the county. The King to be asked to send out three prizes once in three years, for which regimental prize-winners will compete. This will give the men diversion, keep them from faction, and make them good and loyal soldiers. The King to be asked to appoint a Registrar-General of Lands. *General considerations.*—The development of the mineral resources. The making of pitch, tar, resin, and gums might be encouraged by the incorporation of a Company, with capital of at least 20,000*l.* *The whole, three closely written pages.* *Endorsed,* From Mr. Wharton, with date 1684. [Col. Papers, Vol. LIV., No. 137.]

[Dec.]

2034. Petition of Joseph Eaton, to Sir George Jeffreys, Chief Justice of the King's Bench. Complaint against me has been made for carrying a boy named Goodwin to Maryland against his will. I have for many years commanded a ship to Virginia, but have never carried any passenger against his consent. Complainants rely on the evidence of a black boy who has only been four months in London. 1 *p.* *Endorsed.* [Col. Papers, Vol. LIV., No. 138.]

[1684 ?]

2035. Petition of George Talbot to Lord Howard of Effingham. Having by an unfortunate accident wounded Mr. Rousby and been

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the cause of his death I was justly made prisoner, but illegally carried from Maryland to Virginia though twice claimed by the authorities in Maryland. I beg, therefore, that I may not be tried outside Maryland, where the honesty and innocence of my life and my friendly relations with the deceased are well known, and where I have witnesses that can prove the provocation to which I was subjected, which witnesses will not be persuaded to give evidence in any place remote from their habitations. *Copy.* 1½ pp. [Col. Papers, Vol. LIV., No. 139.]

[1684.]

2036. Copy of a clause about the trial of offences committed by officers of the King's ships. 1 p. *A part of it crossed out.* *Endorsed.* Recd. from Mr. Pepys. [Col. Papers, Vol. LIV., No. 140.]

[1684.]

2037. Proposals of Captain Jeaffreson. That at least one hundred malefactors should be sent to the West Indies to work as pioneers at the fortifications, and be allowed to work for the planters for three months in the year, for the reward of their board and lodging. The King to be at no further expense for them after their landing, and the malefactors themselves to be quartered in huts, and overlooked by the soldiers. 1 p. *Endorsed,* "Nothing done." [Col. Papers, Vol. LIV., No. 141.]

[1684 ?]

2038. "Some of the by-laws made by the Governor and Company of the City of London for the Plantation of the Summer Islands, humbly offered to the consideration of Parliament." *Printed.* 4 pp. [Col. Papers, Vol. LIV., No. 142.]

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2039. The answer of Roger Elletson to the charges of endeavouring to disturb the Government and the peace in Jamaica. A rambling statement of vague excuse. 1 p. *Undated.* [Col. Papers, Vol. LIV., No. 143.]

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Jan. 4.

2040. Order of Sir Richard Dutton to Thomas Jennings for the seizure of all letters arriving from England for Sir John Witham. *Copy.* Certified 20 July 1685. ½ p. [Col. Papers, Vol. LV., No. 1.]

Jan. 6.

New Hampshire.

2041. Governor Cranfield to Lords of Trade and Plantations. Since my last letter higher commotions and disturbances have occurred in the province and greater affronts have been offered to myself and the King's officers than at any time since my arrival. These have been stirred up by letters from Nathaniel Wear, and improved here by Waldern, Gillman, and Vaughan, who is lately gone to England to make further complaints. A council has been frequently held by the above-named persons at the house of Major Pike, a Magistrate of Massachusetts, to which place all the ill men daily resort for advice. Many of the town of Hampton and Exeter have signed a paper, that I cannot get sight of, to do nothing but what they themselves duly judge to be law. And although by their petitions and agents they made great professions

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of loyalty to the King's person and Government, yet at the same time they beat and abuse his marshals and justices here to such a degree that they are afraid to execute their office, and have, therefore, many of them, flung up their commissions. I have prevailed with Mr. Robert Wadleigh to accept a Commission of the Peace, and have called him into the Council, the number being under seven. Since his return from England he has been well affected, and I commend him to your favour. I have troubled you with so many complaints that I forbear to add further particulars. I esteem it the greatest happiness of my life to remove from among these people, the rather since all the world can see that it is not my person but the terms of my commission that they cavil at. Time will show that no man can be acceptable to them who executes the King's orders. The licence for my departure arrived so late that all the West Indian traders are gone, but I hope soon to find a passage to Barbados or Jamaica where I shall be ready to receive your orders, only trusting that they may not be for my return here, since I have neither health nor ability for the work. *Signed,* Edw. Cranfield. $1\frac{1}{2}$ pp. *Endorsed.* Recd. 22 April 1685. Read 15 July. [Col. Papers, Vol. LV., No. 2, and Col. Entry Bk., Vol. LXVII., pp. 143-144.] *Enclosed,*

2041. i. Deposition of Henry Roby, Justice of the Peace. As to the ill-treatment of himself and the Provost Marshal when endeavouring to arrest men who had spoken slightly of the Governor and Council. *Sworn before Robert Mason, 5th January 1684-85.* 2 pp. *Endorsed.* Recd. 22 April 1685.
2041. ii. Deposition of John Mason, Deputy Provost Marshal. As to the ill-treatment of himself and the Marshal when endeavouring to execute their duty, on several occasions being severely beaten. *Sworn as the foregoing.* $2\frac{1}{2}$ pp. *Endorsed as foregoing.*
2041. iii. Deposition of Christopher Palmer. As to grounds for suspecting an association for opposing the King's laws. *Sworn and endorsed as the foregoing.* $1\frac{1}{2}$ pp.
2041. iv. Deposition of Thomas Thurton, Provost Marshal of New Hampshire. As to ill-usage of himself on various occasions when in the execution of his duty, his horse being let loose, his bridle taken away, and himself beaten and bound. $3\frac{1}{2}$ pp. *Sworn before Robert Mason 6th January 1684-85.* *Endorsed as foregoing.*
2041. v. Further deposition of Thomas Thurton. As to voices that he heard when bound. *Sworn before Richard Chamberlain, 7th January 1684-85.* $\frac{1}{2}$ p. *Endorsed as foregoing.* [Col. Papers, Vol. LV., Nos. 2 i.-v.]

Jan. 7.
Nevis.

2042. Governor Sir William Stapleton to Lords of Trade and Plantations. The unkind usage by the Governor of Curacao to one Captain Beare, who had my commission to pursue pirates and Indians, has obliged me to send Captain Tennant to demand him. The Governor threatened to hang Beare because he took a Spanish

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pirate, Rodrigues, who lately captured the Africa. The Guernsey has been gone three weeks, so I expect her back every day. The enclosed depositions show that this Governor is like the former Governor of St. Thomas. Some French in Petit Guavos are turned pirates. The new Trompeuse was fitted and protected by the godly New England independents. There were never so many rogues in these parts with greater licentiousness and impunity. I am now sending to the Count de Blenac about ill-usage of Mr. Middleton, Mr. Tollemache, and others. No officer having arrived from the King to collect the four-and-a-half per cent duty, and the farm being expired, I thought it my duty to give orders for its collection. I conclude with my old importunity concerning the two foot companies and my arrears. *Signed, W. Stapleton. Holograph. 1 p. Endorsed.* Recd. 23 March. Read 15 April 1685. Annexed,

2042. i. Deposition of Aaron Bassett and Henry Giles, as to the capture of the sloop, Little Edward, of London, by French privateers, among them the Trompeuse, lately come from New England. *Sworn before Joseph Martyn, 6 Jan. 1684⁵. 1 p. Endorsed.* Recd. 23 March 1684⁵.
2042. ii. Deposition of William Tollemache, who was on the Little Edward, to the same effect, confirmed by deposition of Benjamin Middleton, *Sworn, 4 Jan. 1684⁵.* List of the pirate ships. *The whole, 3 pp. Endorsed as the foregoing. [Col. Papers, Vol. III., Nos. 3, 3 I., II., and Col. Entry Bk. (without enclosures), Vol. XLVII., pp. 182-183.]*

Jan. 10. 2043. Lord Cardross to [Governor Moreton ?]. Some more of the Yamasees arrived yesterday at St. Helena to settle with the former settlers of their nation there. They brought the enclosed letter from the Governor of St. Augustine, directed as we suspect to your honour. It was given them by Mr. Caleb Westbrooke at their landing, who hastened to us with it. As we lie on their frontier it concerns us much to know the Spaniards' movements and intentions, and we beg therefore for a copy of the letter. *Signed, Cardross, Hamilton, Montgomerie, Will. Dunlop. [Col. Entry Bk., Vol. XXI., p. 136.]*

Jan. 13. 2044. Journal of Lords of Trade and Plantations. Mr. Pepys to be hastened in preparation of the clause for Sir Philip Howard's instructions touching the jurisdiction of the Admiralty in Jamaica. Sir Philip's draft instructions read. A clause to be added directing him to restore none of the officers removed by Sir Thomas Lynch or Colonel Molesworth until, having examined and reported on the same, he receives the King's command. Lord Dartmouth to be desired to send an account of the ordnance stores sent to the Plantations since 1676. A copy of the Order of Council of 15th May, touching the supply of Jamaica with negroes, to be given to Sir Philip Howard. The clause concerning patent offices amended. The case of Richard Young, whose bond was forfeited for breach of the Act concerning ships in Barbados was referred to the Attorney-

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General. Sir John Witham's letter of 31st October read, complaining of hardships received from Sir Richard Dutton; also an extract from Sir Richard Dutton's letter of 12th November (*see No. 1934*). Resolved to recommend that Sir Richard Dutton be ordered to suspend execution until the King decide the whole matter. The Act for an impost on imported liquors read, wherein it was noticed that a present is given to Sir R. Dutton. The Lords agree on their report condemning this breach of orders (*see No. 2058*).

Report of the Commissioners of the Treasury on the proposal of the late Bermuda Company read, which the Lords recommend to the King (*see No. 2057*).

The Lords proceeded with the examination of the laws of New England, and referred it to the law-officers how far the laws made before the vacation of the Charter were in force. Memorandum of despatches sent and received. [Col. *Entry Bk.*, Vol. CVIII., pp. 67-73.]

Jan. 14.

2045. Receipt for certain papers respecting the proceedings of the Spaniards at Providence, handed to Sir Peter Colleton by William Blathwayt. *Signed*, P. Colleton. 1 p. *Endorsed*. [Col. *Papers*, Vol. LV., No. 4.]

Jan. 14.

2046. William Blathwayt to the Attorney-General. Transmitting the papers concerning the carrying home of Samuel Hanson by Captain Richard Young of the ship Malaga, for opinion as to forfeiture of Young's bond. [Col. *Entry Bk.*, Vol. VII., p. 260.]

Jan. 14.

2047. Order of the King in Council. Report of Lords of the Treasury to the King. We have considered the proposal of the late Bermuda Company that you should confirm the sale of eight shares of the public land for satisfaction of their debt, they relinquishing all claim to that or to the other estates of the Company. We cannot recommend the alienation of any of the Crown lands, which are of great importance to the defence of the place, and we think it better to apply a third part of all levies to the extinction of that debt. *Signed*, S. Godolphin, Ste. Fox, D. North, Hen. Thynne. Ordered accordingly. 2 pp. *Copy, certified by William Bridgeman*. *Endorsed*, Recd. 11 June 1685. Read to Committee 15 July 1685. [Col. *Papers*, Vol. LV., No. 5, and Col. *Entry Bk.*, Vol. XVII., pp. 111-113.]

Jan. 14.
Whitehall.

2048. Order of the King in Council. Approving the following report of Lords of Trade and Plantations, and directing a letter to be prepared accordingly by Lord Sunderland. *The Report*.—After reading Sir John Witham's answers to the charges of Sir Richard Dutton, there appears to us no sufficient ground for the treatment which he has received, but pending the receipt of further documents from Sir Richard we can advise only that Sir Richard be ordered to suspend the execution of proceedings against Sir John until the whole matter shall have been laid before your Majesty. We have received an Act for an imposition on wines, providing for the

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payment of a present of 2,000*l.* to Sir Richard Dutton and praying your Majesty's assent thereto. This method is directly contrary to your Order of 15th December 1682 (*see No. 855*), of which we do not understand that entry has been made in the books of the Assembly and Council of Barbados. We recommend an order to the Treasurer to reserve the 2,000*l.* until, on proper application you shall approve of the gift or direct the application of the money to other purposes. *Dated 13th January 1685.* [Col. *Entry Bk.*, Vol. VII., pp. 254-256.]

Jan. 15. **2049.** The King to Sir Richard Dutton. A letter in the terms of the above report. "We will have our instructions punctually obeyed without any diminution whatever." *Countersigned*, Sunderland. Memorandum of the despatch of the letter, 21st January. [Col. *Entry Bk.*, Vol. VII., pp. 256-260.]

Jan. 15. **2050.** The Attorney-General to William Blathwayt. The King is entitled to bonds forfeited in all cases where subjects have not suffered particular damages. *Signed*, Robert Sawyer (*see No. 2056*). [Col. *Entry Bk.*, Vol. VII., p. 261.]

Jan. 17. **2051.** Journal of Lords of Trade and Plantations. Mr. Pepys, Sir R. Lloyd and the Solicitor-General attended respecting the jurisdiction of the Admiralty in Jamaica, and a clause was prepared by Mr. Pepys (*see No. 2065*) for insertion in Sir Philip Howard's instructions. A further clause was added empowering the Governor to appoint Generals, Captains of ships, and other Commanders and give them power to proceed by martial law against offenders at sea or in the ports of the Island. The Order in Council of 15th November 1682 to be cancelled.

On the business of the Bermuda Company, some members of the late Company were called in, who agreed to comply with the order of the Commissioners of the Treasury. Governor Cony to be informed and to take possession of all the Company's estate for the King.

The Attorney-General brought up his report on the case of Richard Young (*see No. 2060*). The Lords agreed upon their report (*see No. 2069*). Memorandum of letters sent. [Col. *Entry Bk.*, Vol. CVIII., pp. 73-77.]

Jan. 19. **2052.** Memorandum of Lords of Trade and Plantations. A letter was sent to the Master of the Rolls giving him notice that the business of removing the records in the Rolls to the Tower of London will be considered to-morrow, and that he appoint some person from the Rolls to attend. [Col. *Entry Bk.*, Vol. CVIII., p. 77.]

Jan. 20. **2053.** Journal of Lords of Trade and Plantations. Laws of New England examined. On the law entitled Fence for Cattle the Lords decided that controversies under the value of forty shillings may be determined before a justice of the peace. The law officers

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to attend the Committee with their opinion on those laws on Monday next.

Draft of a clause in the King's letter to Governor Cony read, directing him to take possession of the property formerly belonging to the Bermuda Company for the King. The letter was delivered to Mr. Tucker on the 22nd.

Draft of Sir Philip Howard's commission presented and approved, with the Duke of York's advice on the clause respecting the Admiralty.

Memorial of Mr. Randolph as to his expenses in New England. The Lords agree to report favourably thereon. Memorandum of letters sent and received. [Col. *Entry Bk.*, Vol. *CVIII.*, pp. 78-81.]

Jan. 20. **2054.** William Blathwayt to the Commissioners of Ordnance. Asking an account of the ordnance, arms and stores of war sent to the Plantations since December 1676. [Col. *Entry Bk.*, Vol. *XCVII.*, p. 116.]

Jan. 20. **2055.** Clause providing for the exemption of the commander, officers and company of the King's ships to be employed at Jamaica, by immediate commission from the King or the Lord High Admiral, from being subject to any jurisdiction of the Admiralty there. The offenders are left to be dealt with under the Statute of 28 Henry VIII. or the Act for regulating the Navy of 13 Car. II. The Governor may, however, suspend a Captain for disobedience of his written orders and commit him to custody to be tried as above. *Draft with corrections.* 2 pp. *Endorsed.* Read and approved 20 Jan. 8 $\frac{4}{5}$. Presented by Mr. Pepys. [Col. *Papers*, Vol. *LV.*, No. 6.]

Jan. 20. **2056.** Summons for all parties concerned in the appeal of Sarah Bland against Colonel St. Leger Codd to appear before the Lords of Trade and Plantations on the 31st. *Signed*, William Blathwayt. [Col. *Entry Bk.*, Vol. *LXXXII.*, p. 321.]

Jan. 20. **2057.** Minutes of Council of Barbados. Stephen Gascoigne was sworn of the Council. He and Edwyn Stede, Commissioners of the four-and-a-half per cent. duty and eighteenpence office took the oaths and signed the test. Order for the Commissioners of fortifications for Hole and Speights to adjust the accounts of all workmen and other creditors. The Councillor's oath. Edward Kirke's petition for remission of duty on wine granted. The Assembly brought up a supplemental Act for the ordering of negroes, which was passed, an order for paying the expenses of last Grand Sessions, which was passed, and an address for payment of 48l. 10s. to Richard Cartwright for transcribing the Journals and Laws, which was passed. Adjourned to 17th February. [Col. *Entry Bk.*, Vol. *XI.*, pp. 573-575.]

Jan. 21. **2058.** Journal of Assembly of Barbados. Supplemental Act for ordering of negroes passed. William Geddes took the oaths as

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Marshal. Order for payment of the expenses of last Grand Sessions, and of Richard Cartwright for transcription of the Journals and Laws. Adjourned to 17th March. [Col. Entry Bk., Vol. XIV., pp. 16-17.]

Jan. 21.
Whitehall.

2059. Order of the King in Council. Report of Lords of Trade and Plantations. We have examined several informations against Richard Young for carrying passengers without a ticket, and having consulted the Attorney-General, we recommend that execution be issued and his bond forfeited; and since Samuel Hanson occasioned the breach of the law and has given security to Young to save him harmless, we see no grounds for remission. *Dated, 17th January 1685. Ordered accordingly. [Col. Entry Bk., Vol. VII., pp. 261-262.]*

Jan. 21.
Whitehall.

2060. Order of the King in Council. Report of Lords of Trade and Plantations. We have added special clauses to Sir Philip Howard's commission for the removal of difficulties in relation to the Admiralty, and recommend the revocation of Order in Council of 15th November 1682 in consequence. Ordered accordingly. *Signed, Phi. Lloyd. [Col. Entry Bk., Vol. XXX., pp. 317-318.]*

Jan. 23.

2061. Minutes of Council and Assembly of St. Christopher's. The Assembly concurred in an Act for the punishment of privateers and pirates. The Assembly proposed,—1. That the Governor beg the King to grant the Island the farm of the four-and-a-half per cent. duty, being ready to give him 250*l.* or 300*l.* a year for it. 2. That the Governor beg the King to send a recruit of soldiers and disband those that are married, and who are thus able to live by themselves. 3. That the Governor be asked to secure the ratification of the Treaty of Neutrality. 4. That the Governor be asked to pray the King to put a period to the affairs referred to him by the National Court as to laws, &c., clandestinely bought by the French from the English. [Col. Papers, Vol. LV., No. 43.]

Jan. 24.

2062. Account of ordnance, arms, ammunition, and stores sent to Barbados, St. Christopher's, New Hampshire, Jamaica, Virginia, and New York since December 1676. Total value, 4,780*l.* *Signed, Chris. Musgrave, Ber. de Gomme, Edw. Sherburn, F. Gardiner. 3 pp. Endorsed. Recd. 31 Jan. 1684⁵ from my Lord Dartmouth. [Col. Papers, Vol. LV., No. 7, and Col. Entry Bk., Vol. XCVII., pp. 117-120.]*

Jan. 31.

2063. Journal of Lords of Trade and Plantations. Sir William Stapleton's letter of 28th October read (*see No. 1909*). The Lords direct an extract of the letter, and a copy of the King of Denmark's Commission to be sent to Lord Middleton for communication to the Danish envoy.

On the laws of New England, the law officers asked for further information before they could answer the question put to them. Mr. Blathwayt ordered to attend them with the necessary papers and, if necessary, to take the opinion of the judges.

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Lord Howard's letter of 26th November read (*see No. 1963*), with the depositions concerning the murder of Christopher Rousby. Agreed to move the King that Colonel Talbot be tried by special commission in England, that he be sent to England in the Quaker ketch, and that another vessel be sent to attend Lord Howard meanwhile.

Sir Philip Howard's instructions amended. Lord Dartmouth presented the list of ordnance stores sent to the plantations (*see No. 2072*). Memorandum of despatches received. [Col. Entry Bk., Vol. CVIII, pp. 81-87.]

Jan. 31.
Council
Chamber.

2064. Lords of Trade and Plantations to the King. We have received a letter from Lord Howard of Effingham to Lord Sunderland, concerning a barbarous murder committed by Colonel George Talbot. We recommend that Talbot be tried by special commission here in England, that a ship be sent to Virginia with instructions that Talbot be brought over in the Quaker ketch, and the necessary witnesses with him, the new ship to take the place of H.M.S. Quaker in Virginia; and that the Lords of the Treasury be directed to send out a fit successor to Christopher Rousby. *Copy.* 2 pp. *Endorsed.* This Report is dated 23rd February in the Entry Book. [Col. Papers, Vol. LV., No. 8, and Col. Entry Bk., Vol. LII, pp. 91-93.]

Jan. 31.
Treasury
Chamber.

2065. Lords of the Treasury to [Sir Richard Dutton]. Ordering the forfeiture of Richard Young's bond, and that the money be lodged in the hand of Edwyn Stede (*see No. 2069*). *Signed.* Godolphin, D. North, Ste. Fox, J. Ernle, H. Thynne. [Col. Entry Bk., Vol. VII, p. 263.]

Feb. 2.

2066. Minutes of Council of Jamaica. Sir Francis Watson sworn of the Council. The Governor announced the escape of Bannister, the pirate, with his ship from Port Royal. Major Beckford called in to explain how he was allowed to pass the forts, who having been heard, the Council resolved that he had done his duty, but ordered the corporal of the guard to be tried by court-martial for negligence. The Lieutenant-Governor announced that he had received further confirmation of the proceedings against Sir Henry Morgan. Thomas Ryves' petition to be admitted to the Receivership-General as deputy to Leonard Compeere refused, and petitioner referred to his legal remedy. Charles Penhallow continued as Acting Receiver to 25th March. Order for remission of 75*l.* to William Blathwayt as half a year's salary as Auditor-General. *Adjourned sine die.* [Col. Entry Bk., Vol. XXXVI, pp. 60-62.]

Feb. 3.
Jamaica.

2067. Lieutenant-Governor Hender Molesworth to William Blathwayt. Sickness prevented me from explaining in my last the reasons for sending our galley and prize sloops to clear the coast of Cuba of the pirates that destroy our fishery. Volunteers enough

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not being forthcoming to serve the King against those pirates (whom they thought worth little) on the conditions of no purchase no pay, certain private persons offered to hire sloops enough for the purpose, provided that the embargo should continue, so as to give them the trade of that coast to themselves, only desiring that the galley might be fitted out at the public expense, and 200*l.* advanced them towards victuals. This seeming to be a cheap and reasonable demand I embraced it, and the more readily as all the commanders have families in Port Royal, are the most substantial of our seafaring men, and are of known courage and fitness for such employment. Besides they have their choice of men (the lowest of whom gets forty shillings a month), and so can depend on their crews, whereas if they had gone upon the first design as volunteers I should have been in constant fear of a mutiny, "the damned privateering business reigning much in the minds of those people." They left Port Royal soon after Christmas but were continually baffled by weather, but our last news is that they put to sea again a week ago. The galley sails before the wind better than the best of our sloops, and rows admirably in a smooth sea. Captain Mitchell brought no very satisfactory answer from Petit Guavos. The Governor was absent, and his deputy said that the sloop we asked for was fairly tried and condemned; Captain Mitchell might take what English there were, but they were few; finally the deputy had no knowledge of any men belonging to the Trompeuse in that port, and if he had he would punish them himself. I am sorry that I omitted Major Beckford's proposals to exchange several guns in the forts, for the new Governor might have settled the matter. If not too late it would be a great service if he could arrange for the return of the old guns and the grant of new. Without considerable interest and pains nothing can be done in such matters. The Spaniards finding that we cannot supply them with negroes have sent four sloops to Barbados in hopes to find them there. Captain Mitchell is not yet returned from the Sambalos. If common fame be true, he cannot have failed to fall in there with some of the privateers that have sailed from hence. Golden Island, one of the Sambalos, is the receptacle of all those who have lately gone to the South Seas under the conduct of the Darien Indians. It is reported that a thousand English have possessed themselves of a considerable place, insomuch that the general of the galleons has unmanned his ships to send assistance to the inland forces against them. These English are said to have a commission from the Emperor of Darien; and it is reported that some of the King of Spain's money is not come down to Portobello because the ways are beset by these privateers, who have already taken money from several merchants. These reports have enticed many men from this Island, in spite of all our efforts to prevent it. About ten days since Captain Bannister one dark night sailed in a desperate manner passed the fort. He had, it is said, fifty men ready in the hold with plugs to stop shot-holes. But the sentries being careless, the night dark, and the wind fresh, he was abreast

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of the fort before Major Beckford, the commander, was warned, and had passed fourteen of the guns. Beckford did all that he could, but could only place three shot in him. He at once sent me word of the occurrence, which was a great surprise to me, for I thought that Bannister's want of credit would prevent him from ever getting the ship to sea again. He had put in another master and sent the ship to London, but without profit; then he was in treaty with the Spaniards but without success; yet now he has obtained credit from some persons underhand, and has his ship well fitted out in every respect. It was done so artfully that no one suspected it, or I should have found some pretext for securing him. Directly after he was gone Captain Stanley sailed after him, fired several shots to recall him, without effect, and finally sent a note on board to say that, unless he returned, he would be treated as a pirate. Bannister answered that he had no piratical intention, that he was sailing to Honduras for logwood, and that the reason for his leaving the port in that manner was that he was forced to fly from his creditors. Captain Stanley then returned, finding himself unable to do more against a ship of her strength and size. Bannister being bound to our windward coast to pick up men, I ordered Stanley to cruise between him and the shore to prevent it. Bannister then sailed to leeward, where he will probably find several consorts. I could not let the matter pass without calling the commander of the fort to account, who acquitted himself very well. I have received a petition from Major Thomas Ryves to be admitted as Deputy Treasurer to the surviving patentees of the Receivership-General, Mr. Compeere. The Council referred him to the law for his remedy, and meantime enlarged the order in favour of the present receiver to the 25th March for the better perfecting of his accounts.

One, Gilbert, sometime chaplain of the Guernsey, was preferred by Sir Thomas Lynch to be rector of St. Dorothy's, and should have had a very good livelihood. But having more of the beast than the man in him he committed so many scandalous actions that he was rebuked by Sir Thomas Lynch. Remembering the rebuke, but forgetting his preferment, he has published the most scandalous libel against Sir Thomas that ever was heard, unworthy of a Christian, much more of one of his coat. He was indicted for this, fined 300*l.* and imprisoned for twelve months, under which sentence he still lies. I was too ill to write to you or the Bishop of London about it at the time, so that possibly his appeal might have reached the Lords before now. I enclose a copy of the libel. I enclose also the deposition of one Smith, a seaman, concerning a wreck and treasure. Sir Richard White and Captain Churchill went to look for it. Smith adheres to his statement through all cross-examination, and it agrees with the testimony of other witnesses. This concurrence first set me in the thought of sending Captain Stanley in the Bonito to look for the treasure, though I hesitated for a time, as the reef was not marked in the maps. Stanley, however, told me that he had seen it in a private map,

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and that his own pilot knew it as well as another. I therefore resolved to come to some agreement with Smith, who would not take less than a fifth share, to which I consented, as I understood from Stanley that Harman and Sir Richard White were to have half. The man was so confident that he would have agreed to be hanged if he did not show them the wreck, provided they brought him to the reef. But I have bound him only in a penalty to serve the King seven years in his ships of war without pay, and to submit to such corporal punishment as I shall think fit (which I have threatened to him to be very terrible and severe) if he failed to answer expectations. I did this to fright him from prosecuting the thing further, in case he has sworn to a falsity. But on the contrary he pressed hard for some encouragement to the seamen to prevent mutinies, promising them some of his own share. I therefore gave them assurance under my hand that, if the design was successful, they should each have 100*l.* for their extraordinary service, beyond what the King might give them. Captain Stanley's sailing orders are enclosed. I ordered him to spend two days in the Cays, to give Smith the better chance of escaping in case his story were false; but I heard from Stanley yesterday that he sailed into the Cays without saying a word to Smith, who immediately followed him in a wherry as though afraid to be left behind. I therefore hope that his story is true and that the design may be successful. My only fear is that the task is too great for me, so I promise nothing, but, at least, if it be a failure, there will be no expense to the King. The affair might seem important enough to deserve report to Lord Sunderland, but I fear to trouble him and to incur ridicule, if nothing should come of it. I should be glad if on Stanley's return I can announce to him that the thing has taken effect. I forgot to add that during Bannister's trial his men, being prisoners in the Ruby, consumed 60*l.* worth or more of the King's provisions; in satisfaction of which I ordered some privateers' arms to be detained and sold. *Signed, H. Molesworth. 7½ closely written pages. Endorsed: "Recd. 2 April. Read 4 April 1685. [Col. Papers, Vol. LV., No. 9, and Col. Entry Bk., Vol. XXXI., pp. 17-34.] Annexed,*

2067. i. Deposition of Thomas Smith. Narrating that while on a cruise on the north-east coast of Hispaniola they came on a reef on which they saw several ingots of silver and one of gold, and within forty feet of it the hull of a ship wedged in upright. The wind freshened so that they were afraid to stand by, but witness believes that he can find the place again. Sworn before Charles Penhallow, 20 Jan. 1685. 1½ pp. *Endorsed. Recd. 2 April 1685.*
2067. ii. Colonel Molesworth's instructions to Captain Stanley regarding the search for a wrecked treasure ship. Articles of agreement with Thomas Smith, the informer, as to the same; and with the ship's company, dated 31 Jan. 1685. *Copies. 2 large pages. Inscribed. Recd. 2 April 1685.*

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2067. III. "Copy of the libel published by Parson Gilbert."

He that would murder when he pleased
 And with the gout so oft diseased,
 Whose will in ruling was his law,
 To keep more nobler men in awe,
 Because an ignoramus jury,
 Would not submit unto his fury,
 Who made interest his only God
 Was for our sins the scourging rod,
 'Cause all he called knave or rogue
 Would not be so, not serve his vogue ;
 Who orphans cheated by his power,
 Still seeking whom he might devour,
 But Johnson's ghost by conscience spied,
 Grew mad, and soon as madly died.
 And now great ease Jamaica gains
 By his ent'ring eternal pains ;
 And those who shall Governor be
 Let the Devil and him agree.
 The Prince of Darkness surely finds a rub
 Since one more qualified for Beelzebub.

Copy. 1 p. Endorsed, Recd. 2 April 1685. [Col. Papers, Vol. LV., No. 9 I.-III.]

Feb. 5.

2068. Governor Lord Howard of Effingham to the Duke of York. I am extremely concerned to have so ill an occasion to address your Highness. Colonel George Talbot, the Deputy Governor left by Lord Baltimore, recently went on board H.M.S. Quaker in Patuxen river, and after trying to quarrel with Captain Allen and Mr. Rousby stabbed the latter to death. Captain Allen brought him to me for trial, but the Council of Maryland claimed him also. I refused to return him, having power under your commission to punish such offences until I had heard from you. I have sent all evidence to Lord Sunderland. *Signed*, Effingham. *Holograph. 2 pp. [Col. Papers, Vol. LV., No. 10.]*

Feb. 6.

2069. Journal of Lords of Trade and Plantations. Present, the King and twenty-seven Councillors. On this day between eleven and twelve o'clock in the morning King Charles the Second departed this life in the palace at Whitehall. The Lords prepared a proclamation and letters to the Colonies. Memorandum of the dates on which these letter were despatched and of documents received up to the 23rd February. *[Col. Entry Bk., Vol. CVIII., pp. 84-93.]*

A D D E N D A.

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March 4. **2070.** Copy of the patent granted to William Penn. [Col. Entry Bk., Vol. LXXVI., pp. 1-21.]

(March 26.) **2071.** Minutes of the Assembly of Nevis. Seven members present. Proposed by the Assembly to the Governor and Council that the Act for preventing the barbarism of negroes be made void. Ordered by the Governor in Council that a clause of the Act be made void; consented to by the Assembly, and Act for repealing the clause passed (this repealing Act is dated 26th March 1681). Proposed by the Assembly that the additional duty upon wines be limited. Ordered by the Governor and Council that it be continued six months longer. Consented to by Assembly. Act for continuance thereof.

March 26. Agreed, that a donation of 100,000 lbs. of sugar be made to Sir W. Stapleton, Bart., in consideration of the great charge he is at; also that a levy be raised to pay the present debts of the country amounting to 145,000 lbs. of sugar. Ordered, that a list of all dutiable negroes be made in order to this levy. Read, the Royal Instructions to Sir W. Stapleton, wherein was announced the commutation of the four-and-a-half per cent. duty. Ordered, that the King's letter be entered in the Register. Copy of the Instructions aforesaid. [Col. Papers, Vol. XLV., No. 78.]

April 13. **2072.** Minutes of Assembly of Nevis. Seven members present. Proposed, that two members, of whom the Speaker to be one, be chosen to meet the Governor and Council to treat about commuting the four-and-a-half per cent. duty.

April 14. Nine members present. Mr. Philip Lee, Speaker, and Mr. James Walker chosen for above service. Voted that 150,000 lbs. of sugar be raised to defray the Island's expenses, and that a quarter part thereof be raised on the inhabitants of Charles Town, Morton's Bay, and World's End, by estimates. The resolution embodying the vote agreed to by Governor and Council. [Col. Papers, Vol. XLV., No. 78.]

May 14. **2073.** Minutes of Assembly of Nevis. Seven members present. Proposed by the Assembly to Governor and Council that negroes, horses, and other cattle upon freeholds be appraised by four judicious men. The Assembly request the Governor to sign executions as formerly. Proposed, that since by Act of the Island it is provided that negroes and horses seized for debt are to be sold by public outcry, and since by such outcry they are often sold for scarce half their value, defendants may apply to the Governor for

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a warrant of appraisement by two judicious men. Ordered, that the Assembly draw up its proposals at large for the next meeting. [Col. Papers, Vol. XLV., No. 78.]

June 11.

2074. Minutes of Assembly of Nevis. Six members present. An Act empowering owners of cattle seized for debt to apply for a warrant of appraisement (*see preceding abstract*). Rejected by the Council. Mr. Belchamber records his dissent against any proceedings at this meeting, the Speaker and half the members being absent. Petition of Richard Carey & Co., farmers of the duty on liquors to be acquitted of the said farm. Put to the vote that they be acquitted, and motion lost by five to two. [Col. Papers, Vol. XLV., No. 78.]

June 14.

2075. Minutes of Assembly of Nevis. Seven members present. Mr. James Walker chosen Speaker for the present meeting. Proposed by the Governor that the order for raising 100*l.* or 1,600 lbs. sugar, in each parish for each minister be turned into an Act; and that 2,000 lbs. sugar be provided for a clerk to keep a register in each parish. Petition of Richard Cary & Co. to be acquitted of the farm of duty on liquors again submitted (*see ante No. 2073*), and again rejected. Proposed by the Governor, and agreed to by Council and Assembly, that the farmers have the benefit of the additional impost on liquors from this day to the expiration of their farm. [Col. Papers, Vol. XLV., No. 78.]

July 30.
Edinburgh.

2076. Warrant to Governor Andros to resign a house to Mrs. Ogle. Printed in *New York Documents*, Vol. III., p. 291. [Col. Entry Bk., Vol. LXX., p. 36.]

Aug. 1.

2077. Minutes of Assembly of Nevis. Seven members present. Ordered, that a copy of the proceedings from 14th Aug. 1680 to this time be sent to the Commissioners. Assembly dissolved this day. Election on the 9th. Members sworn in 13th. Endorsed. Recd. 16 Jan. 1681-82. [Col. Papers, Vol. XLV., No. 78.]

Aug. 8.
Edinburgh.

2078. Sir John Werden to Sir Allen Apsley. I send you a letter from the Duke for Lieutenant Brockholes. If you, Lord Hyde, and Colonel Legge, or any other that you may show it to, approve it, despatch it at once, if not, return it with your opinion. You remember how often you have heard that the releases to the Quakers and Sir George Carteret of New Jersey would lead to the loss of trade and revenue in New York. I believe that it cannot be long averted. For even if the Duke, contrary to Sir W. Jones's opinion, have legal power to levy customs in future, it will equally ruin New York by driving the inhabitants across to New Jersey. But enough of the matter. Despatch it quickly if you pretend to any share of the customs this year. Printed in *New York Documents*, Vol. III., pp. 291-292. [Col. Entry Bk., Vol. LXX., pp. 37-38.]

1682.

Aug. 27.
Edinbrugh.

2079. The Duke of York to Lieutenant Brockholes. I hear that the commissions of the peace of all the leading magistrates expire shortly. Continue the present functionaries in their places notwithstanding, and fill any vacancies that occur by death. [Col. Entry Bk., Vol. LXX., p. 38.]

[1682 ?]

2080. Representation of Sir Henry Morgan. The Duke of Brandenburg on denial of justice to him by the Spaniards granted letters of reprisal against the Catholic King. Frigates for reprise accordingly sailed to the West Indies and were driven by necessity into Port Royal. When they put in I examined my instructions and, finding nothing therein to the contrary, admitted them to the benefit of the port. I cannot see that therefore I have given any cause for displeasure to the King of Spain, for (1) I should have given the same hospitality to Spanish ships; (2) if I had refused the port to ships of either nations, and those ships had perished, this would have amounted to a breach of amity; (3) though the Brandenburg ships brought their prizes to Jamaica and sold them there, yet the Governor could not have prevented it. $2\frac{1}{2}$ pp. closely written. Endorsed but undated. [Col. Papers, Vol. LIV. No. 145.]

[1682 ?]

2081. The case of Sir Henry Morgan in reply to the printed case issued of Francis Mingham. A categorical criticism of the case. $2\frac{1}{2}$ closely written pages. [Col. Papers, Vol., LIV. No. 146.]

[1682 ?]

2082. "The reasons why a Lieutenant-Governor cannot serve his Majesty for Jamaica." (1.) If the excesses that have offended the King grieved the people and offended the Spaniards have been committed under the Royal Commission and Instructions, it is high time that these last were altered. (2.) A Lieutenant-Governor passes for Lord Carlisle's lieutenant, otherwise he will be as much disengaged as if the title had been taken from him. (3.) So long as Lord Carlisle keeps the title of Governor, his dependents, who are the people guilty of the irregularities, must be continued and countenanced, or his title becomes no favour. (4.) It seems contrary to reason and a practice for a Governor here to have a title and no power. (5.) Malice and envy will easily make it believed that a Lieutenant-Governor without salary is without credit, a man who will be superseded when he has served his turn; so he will be less dreaded by pirates, less respected by Spaniards and less obeyed by the people. (6.) It seems to be the King's interest to have the affairs of the Government well fixed and settled without expense to himself or trouble to his ministers, so that he can send out Lord Carlisle or what great man he likes. (7.) A Lieutenant-Governor sent hence will not think it worth the risk of taking his wife or children with him; but those that come without them to a young Colony are suspected to be come in search of money only. (8.) A Lieutenant-Governor will hardly get his salary there. Indeed the people will settle no revenue while they think it will be remitted to governors in England. (9.) No man will go out with a subaltern title when it costs him much to make his passage, and he has nothing to expect at the end. (10.) The hardships of such a case is made clearer by actual figures, which are given. 2 pp. evidently a copy.

1682.

Undated. Probably emanating from Sir Henry Morgan in deed if not in name. [Col. Papers, Vol. LIV., No. 147.]

1683.

March 20. **2083.** Sir William Stapleton to Sir Leoline Jenkins. In compliance with your orders I have appointed Captain Thomas Hill my deputy in St. Christophers, Captain of one of the standing companies, and Colonel of the Militia regiment. *Signed*, Wm. Stapleton. *Holograph. 1 p. Endorsed. [Col. Papers, Vol. LIV., No. 148.]*

July 1.

2084. Commission of the Duke of York to Gervais Baxter to be Lieutenant of the company of foot soldiers at new York. *[Col. Entry Bk., Vol. LXX., p. 36.]*

Aug 2.
Edinburgh.

2085. Sir J. Werden to Henry Brouncker. I have showed your letter about Mrs. Ogle's business at New York to the Duke, and Sir E. Andros being here by lucky chance the business is now ordered as she desires, that is, the Duke has ordered him to deliver her house and appurtenances, not that he is satisfied with her title but from compassion for her losses in the capture of New York by the Dutch. Her possession is to begin from last New Year's day. *[Col. Entry Bk., Vol. LXX., pp. 35-36.]*

Aug. 8.
Edinburgh.

2086. The Duke of York to Lieutenant Anthony Brockholes. In your last you say that you have doubts about the Customs, as the three years for which they were established expired in November last. Continue them under temporary orders, as you have power to do so. *Printed in New York Documents, Vol. III., p. 292. [Col. Entry Bk., Vol. LXX., p. 37.]*

Sept. 25.
Oct. 5.

2087. Extract of a letter from the Governor of St. Thomas to the Danish Envoy. Some time since Governor Stapleton sent me an order from the King for the restoration of a sloop that I had confiscated, and which had been taken by pirates. Though I had many reasons to the contrary, I complied at great personal inconvenience: see the release enclosed. The accounts sent to the King have been exaggerated or too much believed before my defence could be heard. The English give us no little trouble here. I beg your interest on my behalf. *Copy. French. 1 p. Endorsed. Recd. 28 Feb. 8 $\frac{3}{4}$. Annexed,*

2087. i. Release by Thomas Biss and Aaron Chapman, of the sloop seized by the Governor of St. Thomas. 4 Oct. 1683. *Copy. French. 1 $\frac{1}{2}$ pp. Endorsed as the foregoing. [Col. Papers, Vol. LIV., Nos. 149, 149 i.]*

Oct. 30.

2088. Order for payment of 500*l.* to Lord Howard of Effingham, for the expenses of his transport to Virginia. *Signed*, Rochester, J. Ernle, E. Deringe, S. Godolphin, Ste. Fox. *[Col. Entry Bk., Vol. LXXXII., p. 306.]*

[Dec. 11.]

2089. State of the Duke of Courland's pretensions to Tobago. In 1659 he possessed a fort at the mouth of the Gambia river

1683.

which his Agent sold to the Dutch West India Company. In 1661 the King granted a charter to the Royal African Company, which sent a ship to the Gambia, and finding the Dutch fort demolished it. The Duke of Courland complained, and the King, in 1664, granted him, among other things, the Island of Tobago in compensation. Notwithstanding this the Dutch West India Company took the Island by agreement with the Duke, until driven out by the English in 1672. The Dutch resettled it in 1676, when they were driven out by Count d'Estrées, since which the Island has been deserted. It would be very prejudicial if the Island were settled by foreigners, and it may be questioned whether the Duke of Courland's title is good now that the Island has changed hands so often. *Draft with corrections.* 3 pp. *Endorsed. Annexed,*

2089. i. Copy of the grant of Tobago to the Duke of Courland, 17th November 1664. *Latin.* 4 pp. [Col. Papers, Vol. LIV., Nos. 150, 150 i.]

Dec. 19. 2090. Order of the King in Council. Repealing the Act of Whitehall. St. Christophers for speedy payment of debts, and the Act of Antigua for extending lands. [Col. Entry Bk., Vol. XLVII., p. 134.]

1684.
April 20. 2091. Deed of Sale of a negro girl by Mary Gough to Sir John Witham. *Copy.* 1½ pp. *Endorsed.* [Col. Papers, Vol. LIV., No. 151.]

May 12. 2092. Clearing of the ketch Diligence. *Signed,* William Cole, James River. Collector. *Scrap.* *Endorsed.* Recd. 12 Dec. '86. [Col. Papers, Vol. LIV., No. 152.]

July 30. 2093. Privy Seal, authorising Sir John Witham to draw salary of 600*l.* a year while Lieutenant-Governor of Barbados in the absence of Sir Richard Dutton. [Col. Entry Bk., Vol. VII., pp. 353-354.]

October. 2094. Address of Sir John Witham in answer to the charges of Sir R. Dutton. *Duplicate of No. 1912. i.* [Col. Papers, Vol. LIV., No. 153.]

Nov. 6. 2095. Order of the Governor and Council for the commitment of Sir John Witham. *Copy.* 1 p. [Col. Papers, Vol. LIV., No. 154.]

Dec. 16. 2096. Address of the Grand Jury of Barbados to Sir Richard Barbados. Welcoming his return as a deliverance from the evil administration of Sir John Witham. *Seventeen signatures.* *Long sheet.* *Endorsed.* Recd. 12 March. Read 17 March 1684-5, and in Dutton's handwriting: For Mr. Blathwayt. [Col. Papers, Vol. LIV., No. 155.]

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 Michael Terwill.
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E R R A T A.

No. 88, line 5, *for "Palmer" read "Palmes."*

No. 416, line 1, *for "Edward Dudley" read "Joseph Dudley."*

Page 458, line 16, *for "Bradenbury" read "Brandenburg."*

Pages 581, 582, Abstracts 1524 and 1525, *for "Vol. LIII., Nos. 15 and 16," read "Nos. 20, 21."*

Page 264, line 11, *for "XLVIII." read "XLIX."*

Abstracts Nos. 1373, 1388, 1400, 1414, 1439, 1454, Minutes of Assembly of Virginia, calendared under date 1683, belong by right to 1682.

Page 399, No. 971 *I.*, *for "41 I." read "49 I."*

Page 463, No. 1173, margin, *for "Christiansport" read "Christiansfort."*

Page 551, No. 1406, margin, *for "Nov. 22" read "Nov. 23."*
